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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

Issue 16-April	14, 2000:	Data Through March	31, 2000
Issue 29-July	14, 2000:	Data Through June	30, 2000
Issue 42-October	13, 2000:	Data Through September	30, 2000
Issue 3-January	19, 2001:	Data Through December	31, 2000 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2001

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 26, 2000	January 5, 2001	Issue 28	July 2	July 13
Issue 2	January 2, 2001*	January 12	Issue 29	July 9	July 20
Issue 3	January 8	January 19	Issue 30	July 16	July 27
Issue 4	January 16*	January 26	Issue 31	July 23	August 3
Issue 5	January 22	February 2	Issue 32	July 30	August 10
Issue 6	January 29	February 9	Issue 33	August 6	August 17
Issue 7	February 5	February 16	Issue 34	August 13	August 24
Issue 8	February 13*	February 23	Issue 35	August 20	August 31
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Issue 12	March 12	March 23	Issue 39	September 17	September 28
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Issue 21	May 14	May 25	Issue 48	November 19	November 30
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Issue 23	May 29*	June 8	Issue 50	December 3	December 14
Issue 24	June 4	June 15	Issue 51	December 10	December 21
Issue 25	June 11	June 22	Issue 52	December 17	December 28
Issue 26	June 18	June 29	Issue 1	December 26 (Wed. Noon)	January 4, 2002
Issue 27	June 25	July 6			

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number:
 Proposed Action:
 310.50 Amend
 310.80 Amend
 310.90 Amend
 310.100 Amend
 TABLE K Amend
 TABLE P Amend
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Sections 310.50, 310.80, 310.90 and 310.100, the revision pertains to Step 7 being changed to Step 8. This change will become effective January 1, 2002.
- In accordance with a Memorandum of Understanding, Step 8 is being corrected for July 1, 2002 in Table K, RC-023 (Registered Nurses, INA). Also, the Environmental Protection Legal Investigator Specialist is being added for July 1, 2001 for the RC-029 Collective Bargaining Unit in Section 310. Appendix A, Table P. The salary rates are being corrected for July 1, 2002 for the following titles: Breath Alcohol Analysis Technician, Liquor Control Special Agent I and Vehicle Compliance Inspector.
- 6) Will these proposed amendments replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this Part? Yes
- | Section Numbers | Proposed Action | Ill. Reg. Citation |
|-----------------|-----------------|-----------------------------|
| 310.280 | Amend | 25 Ill. Reg. 5774, 05/04/01 |
| 310.280 | Amend | 25 Ill. Reg. 7008, 06/08/01 |
| 310.110 | Amend | 25 Ill. Reg. 8911, 07/20/01 |
| 310.130 | Amend | 25 Ill. Reg. 8911, 07/20/01 |
| 310.290 | Amend | 25 Ill. Reg. 8911, 07/20/01 |
| 310.530 | Amend | 25 Ill. Reg. 8911, 07/20/01 |
| 310.540 | Amend | 25 Ill. Reg. 8911, 07/20/01 |
| APPENDIX B | Amend | 25 Ill. Reg. 8911, 07/20/01 |
| APPENDIX C | Amend | 25 Ill. Reg. 8911, 07/20/01 |
| Appendix D | Amend | 25 Ill. Reg. 8911, 07/20/01 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- APPENDIX G
 310.280 Amend
 310.230 Amend
 310.270 Amend
 310.280 Amend
 310.280 Amend
 TABLE H Amend
 TABLE I Amend
 TABLE J Amend
 TABLE N Amend
 TABLE O Amend
 TABLE R Amend
 TABLE W Amend
 TABLE X Amend
 TABLE Z Amend
- 25 Ill. Reg. 8911, 07/20/01
 25 Ill. Reg. 9799, 08/03/01
 25 Ill. Reg. 11958, 09/21/01
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 25 Ill. Reg. 12463, 10/5/01
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 25 Ill. Reg. 12950, 10/19/01
 25 Ill. Reg. 12950, 10/19/01
 25 Ill. Reg. 12950, 10/19/01
 25 Ill. Reg. 12950, 10/19/01
 25 Ill. Reg. 12950, 10/19/01
 25 Ill. Reg. 12950, 10/19/01
- 10) Statement of Statewide Objectives: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking:
 Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 (217) 782-5601
- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.
- B) Reporting, bookkeeping or other procedures required for compliance:
 None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2001
- The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2001
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2001
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2001

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12995, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

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effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill.

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Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 26 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.50 Definitions

The following are definitions of certain terms and are for purposes of clarification as they affect the Schedule of Salary Grades (Appendix B) and Schedule of Rates (Subpart B), only. Subpart C of this Part contains the administrative features of the Merit Compensation System.

"Adjustment in Salary" -- A change in salary rate occasioned by a previously committed error or oversight, or required in the best interest of the State as defined in Subpart A, Sections 310.80 and 310.90, of this Part.

"Base Salary" -- A dollar amount of pay specifically designated in the Schedule of Salary Grades (Appendix B) or Schedule of Rates (Subpart B). Base salary does not include overtime pay or shift differential pay or deductions for time not worked.

"Comparable Classes" -- Two or more classes that are in the same salary grade.

"Creditable Service" -- All service in full or regularly scheduled part-time pay status beginning with the date of initial employment or

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the effective date of the last salary increase which was at least equivalent to a full step. A new creditable service date will follow an increase of a step or more except for the following actions:

S"prior performance increase.

A reevaluation resulting in a salary increase less than a step in the former salary grade.

Reallocation resulting in a salary increase less than a step increase in the former salary grade.

Adjustments as provided for in Section 310.80(f) of this Part, "which are approved to correct errors or oversights." (A new creditable service date will follow Section 310.80(f) adjustments in the best interest of the agency, unless the Director of Central Management Services determines such changes to be inequitable.)

"Demotion" -- The assignment for cause of an employee to a vacant position in a class in a lower salary grade than the former class.

"Differential" -- The additional compensation added to the base salary of an employee resulting from conditions of employment imposed on him/her during normal schedule of work.

"Entrance Salary" -- The initial base salary assigned to an employee on entering state service.

"In-hiring Rate" -- An in-hiring rate is a minimum rate/step for a class which is above the normal minimum of the range, as established by the approval from the Director of the Department of Central Management Services after a review of competitive market starting rates for similar classes.

"Promotion" -- The appointment of an employee, with the approval of the agency and the Department of Central Management Services, to a vacant position in a class in a higher salary grade than the former class.

"Reallocation" -- The change in the classification of an existing position resulting from significant changes in assigned duties and responsibilities.

"Reevaluation" -- The assignment of a different salary grade to a class based upon change in relation to other classes or to the labor market.

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"Salary Range" -- The dollar value represented by Steps 1c through 8 7 of a grade assigned to a class title, effective January 1, 2002.

"Satisfactory Performance Increase" -- An upward revision in the base salary from one designated step to the next higher step in the salary grade for that class as a result of having served the required amount of time at the former rate with not less than a satisfactory level of competence. (Satisfactory level of competence shall mean work, the level of which in the opinion of the agency head, is above that typified by the marginal employee.)

"Superior Performance" -- Performance characterized by work results substantially above a satisfactory level.

"Transfer" -- The assignment of an employee to a vacant position having the same salary grade.

"Work Year" -- That period of time determined by the agency and filed with the Department of Central Management Services in accordance with 80 Ill. Adm. Code 303.300 of the Department of Central Management Services rules.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 310.80 Increases in Pay

After the effective date of this Part, except as otherwise provided for in this Section, for employees occupying positions in classes that are paid in conformance with the Schedule of Salary Grades (Appendix B) specified herein, increases shall be granted as follows and will become effective the first day of the pay period following the date of approval:

- a) Satisfactory Performance Increase --
 - 1) Each employee who has not attained Step 8 Step-7 of the relevant salary grade, and whose level of performance has been at a satisfactory level of competence, shall be successively advanced in pay to the next higher step in the salary grade after one year of creditable service in the same class.
 - 2) A satisfactory performance increase shall become effective on the first day of the month within which the required period of creditable service is reached.
 - 3) No satisfactory performance increase may be given after the effective date of separation.
- b) Withholding Satisfactory Performance Increase -- As an inducement toward attainment of satisfactory level of competence, satisfactory performance increases may be withheld from the employee who has not achieved a satisfactory level of performance. Such action must be supported by:

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- 1) A performance record showing less than satisfactory performance. This must be prepared by the appropriate supervisor, discussed with the employee and approved by the agency head prior to the date the increase would otherwise become effective. The performance record will not be invalidated by refusal of an employee to sign. In such cases, an explanatory comment shall be made on the record by the supervisor. This record will be preserved by the agency.

- 2) Notice of withholding of satisfactory performance increases to the Department of Central Management Services -- It shall be reported upon completion of action required by (1) above, but not later than the submission of the payroll reflecting the denial of the increase.

- c) Redetermination -- A satisfactory performance increase previously withheld shall be granted when the cause for withholding has been eliminated. Redetermination must be made at least annually. In such cases the increases will be effective the first day of the month following date of approval and will be preceded by the preparation and filing of a Performance Record within the agency indicating the attainment of satisfactory level of competence.

- d) Superior Performance Increase --

- 1) The head of an agency may grant a superior performance increase to an employee who characteristically carries out his/her work activities in such a way that the results are substantially above a satisfactory level of performance.

- 2) An employee shall be eligible for a superior performance increase after six months continuous service. A minimum of 18 months must elapse between superior performance increases. A superior performance increase shall be for one step in the relevant salary grade.

- 3) A superior performance increase does not affect the creditable service anniversary date. A performance record supporting a superior performance increase award shall be retained by each agency head, and shall be available to the Director of Central Management Services upon request.

- 4) During the fiscal year, the number of superior performance increases in an agency should not exceed one out of five employees.

- e) Other Pay Increases --

- 1) Promotion and Reallocation -- Normally upon promotion or reallocation an employee shall be advanced to the lowest step in the new grade which represents at least a full step increase in the former grade. An equivalent of a full step for those employees on Step 8 Step-7 shall be determined by the value difference between Steps 6 and 7 of the former pay grade. Any deviation requires prior written approval of the Director of Central Management Services. In determining the appropriateness of a request for a special salary treatment by an employing

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agency, the Director of Central Management Services will consider whether the need for the special salary treatment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

2) Reevaluation -- If a higher salary grade is assigned to a class, the employee occupying the position in the class shall be advanced to the lowest step in the new grade which represents an increase in pay. If an employee becomes eligible for a satisfactory performance increase as a result of the reevaluation, a one-step increase will be granted immediately.

3) Separation & Subsequent Appointment -- Upon separation from a position of a given class and appointment within four calendar days to a position in a higher salary grade, an increase shall be given under the conditions and requirements applicable to promotions.

f) Adjustment -- An employee may receive an upward adjustment in his/her base salary for the purpose of correcting a previous error, oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 310.90 Decreases in Pay

Employees other than those whose base salaries are determined by the Schedule of Rates (Subpart B) shall have their salaries reduced only as specified below and shall become effective the first day of the pay period following date of approval:

- a) Demotion for Cause to a Lower Class -- Upon demotion, the employee's base salary will be reduced to Step 8 Step-7 of the salary grade for the lower class if the current base salary is in excess thereof, or to the step in the lower salary grade which provides the salary nearest in amount, but less than, the current base salary, except that an employee demoted during a probationary period following promotion will have his/her salary reduced to the step in the lower salary grade which represents the salary had the employee not been promoted, and his/her previous creditable service date will be restored.
- b) Position Reallocated to a Lower Class -- The employee's base salary will be reduced to Step 8 Step-7 of the lower salary grade, if in

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excess thereof, or to the step in the lower salary grade nearest in amount to, but in no case more than, the current base salary. However, as provided in Section 8(a) of the Personnel Code, the pay for an employee whose position is reallocated because of loss of duties and responsibilities after his/her appointment to such position, shall not be required to be lowered to an exact step for a period of one year. Where the base salary is identical to an exact step in the lower range, he/she shall be placed on this step with no further reduction required. An employee's creditable service date will not be affected.

c) Voluntary Reduction to a Lower Class -- Upon the voluntary reduction of an employee to a vacant position in a class having a lower salary grade than the class from which the reduction was made, the employee's base salary will be reduced to Step 8 Step-7 of the lower salary grade if in excess thereof, or to the step in the lower salary grade which provides the base salary nearest in amount, but less than, the current base salary, except that an employee who voluntarily requests a reduction to a lower class during a probationary period following promotion will have his/her salary reduced to the step in the salary grade which represents the salary had the employee not been promoted, and his/her previous creditable service date will be restored.

d) Assignment of a Lower Salary Grade to a Class -- Upon assignment, an employee's base salary will be that step in the new salary grade nearest to, but not greater in amount than, that step being vacated in the former salary grade.

e) Adjustment -- An employee may receive a downward adjustment in his/her base salary for the purpose of correcting a previous error or oversight or when the best interest of the agency and the State of Illinois will be served. Adjustments must have the prior approval of the Director of Central Management Services in writing. In determining the appropriateness of a request for a salary adjustment by an employing agency, the Director of Central Management Services will consider whether the need for the adjustment is substantial, whether the action is consistent with the treatment of other similar situations, and whether the action is equitable in view of the particular circumstances prompting the request.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 310.100 Other Pay Provisions

- a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.

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b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step 1C of the salary grade.

1) Qualifications above Minimum Requirements --
A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.

B) Such qualifications above the minimum requirements must possess documented support for higher than the Step 1C entrance salary. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.

2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

c) Differential and Overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay --

A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not

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Later than the end of the work week in which the overtime was earned. If such compensatory time request is granted it shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate on either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.

3) Incentive Pay -- An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Extra Duty Pay -- An employee may be paid an amount in addition to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

d) Part-time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.

e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate

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differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- f) Lump Sum Payment -- Shall be provided for accrued vacation, sick leave* and unused compensatory overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary lay-off (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.

AGENCY NOTE -- The method to be used in computing the lump sum payment for accrued vacation, sick leave* and unused compensatory overtime payment for an incumbent entitled to shift differential during his/her regular work hours will be to use his/her current base salary plus the shift differential pay.

*Sick leave earned prior to January 1, 1984 and after December 31, 1997 is not compensable. Sick leave earned and not used between January 1, 1984 and December 31, 1997 will be compensable at the current base daily rate times one-half of the total number of sick days earned and retained during that time period.

- g) Salary Treatment Upon Return From Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

- h) Salary Treatment Upon Reemployment --

1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service

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time.

- i) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.
- j) Extended Service Payment --
- 1) Effective July 1, 2001 to 1994, the Step 8 Step-7 rate shall be increased by \$25-00 per month for those employees who have attained ten years of service and have three years of creditable service on Step 8 Step-7 in the same pay grade.
 - 2) Effective July 1, 2001 to 1994, the Step 8 Step-7 rate shall be increased by \$50-00 per month for those employees who have attained fifteen years of service and have three years of creditable service on Step 8 Step-7 in the same pay grade.
- k) Bi-Lingual Pay -- Effective July 1, 2000, individual positions whose job descriptions require the use of sign language, a second language or Braille shall receive 5% or \$100 \$100-00 per month, whichever is greater, in addition to the employee's base rate.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 310.TABLE K RC-023 (Registered Nurses, INA)

Effective: July 1, 2000

	S T E P S			
	1	2	3	4
Child Welfare Nurse Specialist	3305	3459	3626	3792
Corrections Nurse I	3088	3232	3383	3530
Corrections Nurse II	3470	3632	3806	3983
Health Facilities Surveillance Nurse	3305	3459	3626	3792
Nursing Act Assistant Coordinator	3510	3689	3860	4037
Registered Nurse I	2941	3080	3222	3365
Registered Nurse II	3305	3459	3626	3792

Effective: July 1, 2000

Maximum Security			
S T E P S			
	1	2	3
Corrections Nurse I	3140	3284	3435
Corrections Nurse II	3522	3684	3857

NOTE: Longevity Pay - The step 7 shall be increased by \$25 per month for those employees who have attained 3 or more years of creditable service on step 7 in the same pay grade. The step 7 rate shall be increased \$50 per month for those employees who have attained 6 or more years of creditable service on step 7 in the same pay grade.

Effective: July 1, 2001

	S T E P S			
	1	2	3	4
Child Welfare Nurse Specialist	3429	3589	3762	3934
Corrections Nurse I	3204	3353	3510	3662
Corrections Nurse II	3600	3768	3949	4132
Health Facilities Surveillance Nurse	3429	3589	3762	3934
Nursing Act Assistant Coordinator	3642	3827	4005	4188
Registered Nurse I	3051	3196	3343	3491
Registered Nurse II	3429	3589	3762	3934

Effective: July 1, 2001

Maximum Security			
S T E P S			
	1	2	3
Corrections Nurse I	3258	3407	3564
Corrections Nurse II	3654	3822	4002

Effective: January 1, 2002

S T E P S			
	1	2	3
Child Welfare Nurse Specialist	3558	3724	3903

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.TABLE K RC-023 (Registered Nurses, INA)

Effective: July 1, 2000

	S T E P S			
	1	2	3	4
Child Welfare Nurse Specialist	3429	3589	3762	3934
Corrections Nurse I	3204	3353	3510	3662
Corrections Nurse II	3600	3768	3949	4132
Health Facilities Surveillance Nurse	3429	3589	3762	3934
Nursing Act Assistant Coordinator	3642	3827	4005	4188
Registered Nurse I	3051	3196	3343	3491
Registered Nurse II	3429	3589	3762	3934

Effective: July 1, 2001

Maximum Security			
S T E P S			
	1	2	3
Corrections Nurse I	3140	3284	3435
Corrections Nurse II	3522	3684	3857

NOTE: Longevity Pay - The step 8 rate shall be increased by \$25 per month for those employees who have attained 3 or more years of creditable service on step 8 rate in the same pay grade. The step 8 rate shall be increased \$50 per month for those employees who have attained 6 or more years of creditable service on step 8 rate in the same pay grade.

Effective: January 1, 2002

Maximum Security			
S T E P S			
	1	2	3
Corrections Nurse I	3258	3407	3564
Corrections Nurse II	3654	3822	4002

Effective: January 1, 2002

Maximum Security			
S T E P S			
	1	2	3
Corrections Nurse I	3258	3407	3564
Corrections Nurse II	3654	3822	4002

NOTE: Longevity Pay - The step 8 rate shall be increased by \$25 per month for those employees who have attained 3 or more years of creditable service on step 8 rate in the same pay grade. The step 8 rate shall be increased \$50 per month for those employees who have attained 6 or more years of creditable service on step 8 rate in the same pay grade.

Effective: July 1, 2002

S T E P S			
	1	2	3
Child Welfare Nurse Specialist	3558	3724	3903

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Corrections Nurse I	3324	3479	3642	3799	4047	4189	4336
Corrections Nurse II	3735	3909	4097	4287	4560	4719	4884
Health Facilities	3558	3724	3903	4082	4343	4495	4652
Surveillance Nurse							
Nursing Act Assistant							
Coordinator	3779	3971	4155	4345	4617	4778	4945
Registered Nurse I	3165	3316	3468	3622	3854	3989	4129
Registered Nurse II	3558	3724	3903	4082	4343	4495	4652

S T E P S (Cont.)

	Eff.	
	<u>1/1/03</u>	
Child Welfare Nurse	8	
Specialist	<u>4745</u>	
Corrections Nurse I	4745	
	<u>4379</u>	
	<u>4423</u>	
	<u>4423</u>	
Corrections Nurse II	<u>4933</u>	
	<u>4982</u>	
Health Facilities	<u>4699</u>	
Surveillance Nurse	<u>4745</u>	
Nursing Act Assistant	<u>4745</u>	
Coordinator	<u>5044</u>	
Registered Nurse I	<u>4170</u>	
	<u>4212</u>	
	<u>4212</u>	
Registered Nurse II	<u>4699</u>	
	<u>4745</u>	

Effective: July 1, 2002
Maximum Security

	S	T	E	P	S	
	1	2	3	4	5	6
Corrections Nurse I	3380	3535	3698	3855	4103	4244
Corrections Nurse II	3791	3965	4152	4342	4616	4775

S T E P S (Cont.)

	Eff.	
	<u>1/1/03</u>	
Corrections Nurse I	8	
Corrections Nurse II	<u>4436</u>	
	<u>4480</u>	
	<u>4989</u>	

Effective:--January-17-2003

S-T-E-P-S

	1	2	3	4	5	6	7
Child Welfare Nurse							
Specialist	3700	3873	4059	4245	4517	4675	4838
Corrections Nurse I	3457	3618	3788	3951	4209	4357	4509

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

	1--	2--	3--	4--
Child-Welfare-Nurse-Specialist	3558	3724	3903	4082
Corrections-Nurse-I	3324	3499	3642	3799
Corrections-Nurse-II	3735	3909	4082	4267
Health-Facilities-Surveillance	3558	3724	3903	4082
--Nurse				
Nursing-Act-Assistant-Coordinator	3779	3971	4155	4345
Registered-Nurse-I	3165	3316	3468	3622
Registered-Nurse-II	3558	3724	3903	4082

S-T-E-P-S-(Cont.)

	5--	6--	7--	8--
Child-Welfare-Nurse-Specialist	4343	4495	4652	4808
Corrections-Nurse-I	4847	4189	4336	4511
Corrections-Nurse-II	4568	4719	4884	5082
Health-Facilities-Surveillance	4343	4495	4652	4808
--Nurse				
Nursing-Act-Assistant-Coordinator	4617	4778	4945	5145
Registered-Nurse-I	3054	3909	4129	4296
Registered-Nurse-II	4343	4495	4652	4808

Effective:--January-17-2003
Maximum-Security

	1--	2--	3--	4--
Corrections-Nurse-I	3388	3535	3698	3855
Corrections-Nurse-II	3791	3965	4152	4342

S-T-E-P-S-(Cont.)

	5--	6--	7--	8--
Corrections-Nurse-I	4103	4244	4392	4529
Corrections-Nurse-II	4616	4775	4940	5071

NOTE: Longevity Pay - The Step 8 rate step-7 shall be increased by \$25 per month for those employees who have attained 3 or more years of creditable service on Step 8 step-7 in the same pay grade. The Step 8 step-7 rate shall be increased \$50 per month for those employees who have attained 6 or more years of creditable service on Step 8 step-7 in the same pay grade.

Effective: July 1, 2003

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

[illegible]

Effective--January-17-2004

[illegible]

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Corrections-Nurse-I	3457	3610	3700	3951
Corrections-Nurse-II	3004	4065	4261	4450
Health-Facilities-Surveillance	3700	3073	4059	4245
--Nurse				
Nursing-Act-Assistant-Coordinator	3930	4130	4321	4519
Registered-Nurse-I	3292	3449	3607	3767
Registered-Nurse-II	3700	3073	4059	4245
	5--	6--	7--	8--
Child-Welfare-Nurse-Specialist	4517	4675	4030	5034
Corrections-Nurse-I	4209	4367	4509	4691
Corrections-Nurse-II	4742	4900	5079	5205
Health-Facilities-Surveillance	4517	4675	4030	5034
--Nurse				
Nursing-Act-Assistant-Coordinator	4002	4969	5143	5351
Registered-Nurse-I	4000	4149	4294	4460
Registered-Nurse-II	4517	4675	4030	5034
Effective--January-17-2004				
Maximum-Security				
	1--	2--	3--	4--
Corrections-Nurse-I	3515	3676	3046	4009
Corrections-Nurse-II	3943	4124	4310	4516
	5--	6--	7--	8--
Corrections-Nurse-I	4267	4414	4560	4546
Corrections-Nurse-II	4001	4966	5130	5115

Effective:--January-17-2004

Maximum-Security

NOTE: Longevity Pay - The Step 8 rate ~~step-7~~ shall be increased by \$25 per month for those employees who have attained 3 or more years of creditable service on Step 8 ~~step-7~~ in the same pay grade. The Step 8 ~~step-7~~ rate shall be increased \$50 per month for those employees who have attained 6 or more years of creditable service on Step 8 ~~step-7~~ in the same pay grade.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)

Effective: July 1, 2000

	1	2	3	4	5	6	7
Agricultural Products Promoter	2476	2578	2679	2776	2879	3040	3100
Animal & Animal Products Investigator	2594	2698	2815	2918	3029	3205	3270
Apiary Inspector	1777	1831	1880	1941	1990	2088	2127
Breath Alcohol Analysis Technician	2713	2826	2938	3057	3171	3361	3427
Commodities Inspector	2186	2261	2343	2423	2506	2640	2689
Drug Compliance Investigator	3925	4118	4311	4511	4700	4991	5091
Environmental Protection Legal Investigator I	2378	2464	2563	2651	2749	2896	2952
Environmental Protection Legal Investigator II	2594	2698	2815	2918	3029	3205	3270
Explosives Inspector I	2594	2698	2815	2918	3029	3205	3270
Explosives Inspector II	2984	3122	3253	3384	3522	3732	3807
Fingerprint Technician	2378	2464	2563	2651	2749	2896	2952
Fire Prevention Inspector I	2713	2826	2938	3057	3171	3361	3427
Fire Prevention Inspector II	3147	3293	3442	3584	3727	3949	4027
Guard I	1833	1891	1948	2002	2058	2155	2197
Guard II	2024	2093	2169	2235	2308	2426	2472
Guard III	2273	2354	2445	2533	2615	2756	2810
Licensing Assistant	1953	2019	2084	2149	2217	2330	2374
Licensing Investigator I	2273	2354	2445	2533	2615	2756	2810
Licensing Investigator II	2594	2698	2815	2918	3029	3205	3270
Licensing Investigator III	2713	2826	2938	3057	3171	3361	3427
Licensing Investigator IV	2984	3122	3253	3384	3522	3732	3807
Liquor Control Special Agent I	2476	2578	2679	2776	2879	3040	3100
Motorist Assistance Specialist	1953	2019	2084	2149	2217	2330	2374
Plant & Pesticide Specialist I	2844	2969	3094	3222	3351	3549	3620
Plant & Pesticide Specialist II	3147	3293	3442	3584	3727	3949	4027
Plumbing Inspector	3325	3481	3643	3796	3955	4194	4277
Polygraph Examiner I	3147	3293	3442	3584	3727	3949	4027
Polygraph Examiner II	3511	3675	3849	4016	4181	4437	4525
Polygraph Examiner III	3925	4118	4311	4511	4700	4991	5091
Products & Standards Inspector	2594	2698	2815	2918	3029	3205	3270
Security Officer	2378	2464	2563	2651	2749	2896	2952
Security Officer Sergeant	2476	2578	2679	2776	2879	3040	3100
Seed Analyst I	2273	2354	2445	2533	2615	2756	2810
Seed Analyst II	2378	2464	2563	2651	2749	2896	2952
Site Security Officer	2024	2093	2169	2235	2308	2426	2472
Track Weighing Inspector	2186	2261	2343	2423	2506	2640	2689
Vehicle Compliance Inspector	2713	2826	2938	3057	3171	3361	3427
Vehicle Emissions Compliance	2378	2464	2563	2651	2749	2896	2952

Note: The Step 7 rate shall be increased by \$50 ~~500.00~~ per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 7 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 ~~500.00~~ per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: January 1, 2001

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

[illegible]

RC-029 Alternative Retirement Formula Schedule

Effective July 1, 2000

	1	2	3	4
Arson Investigator I	3058	3187	3318	3452
Arson Investigator II	3392	3546	3692	3839
Arson Investigator II (Lead Worker)	3517	3671	3817	3964
Commerce Commission Police Officer I	3058	3187	3318	3452
Commerce Commission Police Officer II	3392	3546	3692	3839
Licensing Investigator III	2791	2908	3025	3150
Police Officer I	3058	3187	3318	3452
Police Officer II	3392	3546	3692	3839
Police Officer III	3616	3786	3965	4136
Polygraph Examiner III	4043	4241	4440	4646
Security Officer	2446	2535	2637	2728
Security Officer Sergeant	2547	2652	2756	2856

Note: The Step 7 rate shall be increased by \$50 ~~500.00~~ per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 7 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 ~~500.00~~ per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: January 1, 2001

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

	S T E P S			
	1	2	3	4
Agricultural Product Promoter	2476	2578	2679	2776
Animal & Animal Products Investigator	2594	2698	2815	2918
Apiary Inspector	1777	1831	1880	1941
Breath Alcohol Analysis Technician	2713	2826	2938	3057
Commodities Inspector	2186	2261	2343	2423
Drug Compliance Investigator	3925	4118	4311	4511
Environmental Protection Legal Investigator I	2378	2464	2563	2651
Environmental Protection Legal Investigator II	2594	2698	2815	2918
Explosives Inspector I	2594	2698	2815	2918
Explosives Inspector II	2984	3122	3253	3384
Fingerprint Technician	2378	2464	2563	2651
Fire Prevention Inspector I	2713	2826	2938	3057
Fire Prevention Inspector II	3147	3293	3442	3584
Guard I	1833	1891	1948	2002
Guard II	2024	2093	2169	2235
Guard III	2273	2354	2445	2533
Licensing Assistant	1953	2019	2084	2149
Licensing Investigator I	2273	2354	2445	2533
Licensing Investigator II	2594	2698	2815	2918
Licensing Investigator III	2713	2826	2938	3057
Licensing Investigator IV	2984	3122	3253	3384
Liquor Control Special Agent I	2476	2578	2679	2776
Motorist Assistance Specialist	1953	2019	2084	2149
Plant & Pesticide Specialist I	2844	2969	3094	3222
Plant & Pesticide Specialist II	3147	3293	3442	3584
Plumbing Inspector	3325	3481	3643	3796
Polygraph Examiner I	3147	3293	3442	3584
Polygraph Examiner II	3511	3675	3849	4016
Polygraph Examiner III	3925	4118	4311	4511
Products & Standards Inspector	2594	2698	2815	2918
Security Officer	2378	2464	2563	2651
Security Officer Sergeant	2476	2578	2679	2776
Seed Analyst I	2273	2354	2445	2533
Seed Analyst II	2378	2464	2563	2651
Site Security Officer	2024	2093	2169	2235
Truck Weighing Inspector	2186	2261	2343	2423
Vehicle Compliance Inspector	2713	2826	2938	3057
Vehicle Emissions Compliance Inspector	2378	2464	2563	2651
Vehicle Emissions Quality Assurance Auditor	2476	2578	2679	2776
Vital Records Quality Control Inspector	2378	2464	2563	2651

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

	S T E P S (Cont.)							
	5	6	7	8				
Warehouse Claims Specialist	3325	3481	3643	3796				
Warehouse Examiner	2713	2826	2938	3057				
Warehouse Examiner Specialist	2984	3122	3253	3384				
Well Inspector I	2594	2698	2815	2918				
Well Inspector II	2984	3122	3253	3384				
Agricultural Product Promoter	2879	3040	3100	3131				
Animal & Animal Products Investigator	3029	3205	3270	3303				
Apiary Inspector	1990	2088	2127	2148				
Breath Alcohol Analysis Technician	3171	3361	3427	3461				
Commodities Inspector	2506	2640	2689	2716				
Drug Compliance Investigator	4700	4991	5091	5142				
Environmental Protection Legal Investigator I	2749	2896	2952	2982				
Environmental Protection Legal Investigator II	3029	3205	3270	3303				
Explosives Inspector I	3029	3205	3270	3303				
Explosives Inspector II	3522	3732	3807	3845				
Fingerprint Technician	2749	2896	2952	2982				
Fire Prevention Inspector I	3171	3361	3427	3461				
Fire Prevention Inspector II	3727	3949	4027	4067				
Guard I	2058	2155	2197	2219				
Guard II	2308	2426	2472	2497				
Guard III	2615	2756	2810	2838				
Licensing Assistant	2217	2330	2374	2398				
Licensing Investigator I	2615	2756	2810	2838				
Licensing Investigator II	3029	3205	3270	3303				
Licensing Investigator III	3171	3361	3427	3461				
Licensing Investigator IV	3522	3732	3807	3845				
Liquor Control Special Agent I	2879	3040	3100	3131				
Motorist Assistance Specialist	2217	2330	2374	2398				
Plant & Pesticide Specialist I	3351	3549	3620	3656				
Plant & Pesticide Specialist II	3727	3949	4027	4067				
Plumbing Inspector	3955	4194	4277	4320				
Polygraph Examiner I	3727	3949	4027	4067				
Polygraph Examiner II	4181	4437	4525	4570				
Polygraph Examiner III	4700	4991	5091	5142				
Products & Standards Inspector	3029	3205	3270	3303				
Security Officer	2749	2896	2952	2982				
Security Officer Sergeant	2879	3040	3100	3131				
Seed Analyst I	2615	2756	2810	2838				
Seed Analyst II	2749	2896	2952	2982				
Site Security Officer	2308	2426	2472	2497				
Truck Weighing Inspector	2506	2640	2689	2716				
Vehicle Compliance Inspector	3171	3361	3427	3461				

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Vehicle Emissions Compliance Inspector	2749	2896	2952	2982
Vehicle Emissions Quality Assurance Auditor	2879	3040	3100	3131
Vital Records Quality Control Inspector	2749	2896	2952	2982
Warehouse Claims Specialist	3955	4194	4277	4320
Warehouse Examiner	3171	3361	3427	3461
Warehouse Examiner Specialist	3522	3732	3807	3845
Well Inspector I	3029	3205	3270	3303
Well Inspector II	3522	3732	3807	3845

RC-029 Alternative Retirement Formula Schedule

Effective January 1, 2001

	1	2	3	4
Arson Investigator I	3058	3187	3318	3452
Arson Investigator II	3392	3546	3692	3839
Arson Investigator II (Lead Worker)	3517	3671	3817	3964
Commerce Commission Police Officer I	3058	3187	3318	3452
Commerce Commission Police Officer II	3392	3546	3692	3839
Licensing Investigator III	2791	2908	3025	3150
Police Officer I	3058	3187	3318	3452
Police Officer II	3392	3546	3692	3839
Police Officer III	3616	3786	3965	4136
Polygraph Examiner III	4043	4241	4440	4646
Security Officer	2446	2535	2637	2728
Security Officer Sergeant	2547	2652	2756	2856

S T E P S (Cont.)

	5	6	7	8
Arson Investigator I	3656	3729	3804	3842
Arson Investigator II	4067	4148	4231	4273
Arson Investigator II (Lead Worker)	4192	4273	4356	4400
Commerce Commission Police Officer I	3656	3729	3804	3842
Commerce Commission Police Officer II	4067	4148	4231	4273
Licensing Investigator III	3266	3461	3529	3564
Police Officer I	3656	3729	3804	3842
Police Officer II	4067	4148	4231	4273
Police Officer III	4307	4571	4661	4708

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Polygraph Examiner III	4841	5141	5244	5296
Security Officer	2828	2981	3041	3071
Security Officer Sergeant	2962	3131	3193	3225

Note: The Step 8 Step-7 rate shall be increased by \$50 \$50-00 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 8 Step-7 in the same pay grade. The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 \$50-00 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: March 1, 2001

	1	2	3	4
Drug Compliance Investigator	4436	4667	4892	5118

S T E P S

S T E P S (Cont.)

	5	6	7	8
	5349	5684	5798	5856

Effective: July 1, 2001

S T E P S

	1	2	3	4	5
Agricultural Product Promoter	2576	2678	2779	2880	2987
Animal & Animal Products Investigator	2694	2799	2921	3027	3143
Apiary Inspector	1877	1931	1980	2041	2090
Breath Alcohol Analysis Technician	2951	3080	3210	3343	3477
Commodities Inspector	2286	2361	2443	2523	2606
Drug Compliance Investigator	4602	4842	5075	5310	5550
Environmental Protection Legal Investigator I	2478	2564	2663	2751	2852
Environmental Protection Legal Investigator II	2694	2799	2921	3027	3143
Environmental Protection Legal Investigator III	2815	2932	3048	3172	3290

Specialist

Explosives Inspector I	2694	2799	2921	3027	3143
Explosives Inspector II	3096	3239	3375	3511	3654
Fingerprint Technician	2478	2564	2663	2751	2852
Fire Prevention Inspector I	2815	2932	3048	3172	3290
Fire Prevention Inspector II	3265	3416	3571	3718	3867
Guard I	1933	1991	2048	2102	2158

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Guard II	2124	2193	2269	2335	2408
Guard III	2373	2454	2545	2633	2715
Licensing Assistant	2053	2119	2184	2249	2317
Licensing Investigator I	2373	2454	2545	2633	2715
Licensing Investigator II	2694	2799	2921	3027	3143
Licensing Investigator III	2815	2932	3048	3172	3290
Licensing Investigator IV	3096	3239	3375	3511	3654
Liquor Control Special Agent I	2576	2678	2779	2880	2987
Motorist Assistance Specialist	2053	2119	2184	2249	2317
Plant & Pesticide Specialist I	2951	3080	3210	3343	3477
Plant & Pesticide Specialist II	3265	3416	3571	3718	3867
Plumbing Inspector	3450	3612	3780	3938	4103
Polygraph Examiner I	3265	3416	3571	3718	3867
Polygraph Examiner II	3643	3813	3993	4167	4338
Polygraph Examiner III	4072	4272	4473	4680	4876
Products & Standards Inspector	2694	2799	2921	3027	3143
Security Officer	2478	2564	2663	2751	2852
Security Officer Sergeant	2576	2678	2779	2880	2987
Seed Analyst I	2373	2454	2545	2633	2715
Seed Analyst II	2478	2564	2663	2751	2852
Site Security Officer	2124	2193	2269	2335	2408
Truck Weighing Inspector	2286	2361	2443	2523	2606
Vehicle Compliance Inspector	2951	3080	3210	3343	3477
Vehicle Emissions Compliance Inspector	2576	2678	2779	2880	2987
Vehicle Emissions Quality Assurance Auditor	2478	2564	2663	2751	2852
Vital Records Quality Control Inspector	2478	2564	2663	2751	2852
Warehouse Claims Specialist	3450	3612	3780	3938	4103
Warehouse Examiner	2815	2932	3048	3172	3290
Warehouse Examiner Specialist	3096	3239	3375	3511	3654
Well Inspector I	2694	2799	2921	3027	3143
Well Inspector II	3096	3239	3375	3511	3654

S T E P S (Cont.)

Agricultural Product Promoter	6	7	8	Eff.
Animal & Animal Products Investigator	3154	3216	3248	1/1/02
Apiary Inspector	3325	3393	3427	8
Breath Alcohol Analysis Technician	2188	2227	2249	3280
Commodities Inspector	3682	3756	3794	3461
	2740	2790	2818	2272
				3831
				2846

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Drug Compliance Investigator	5897	6015	6075	6135
Environmental Protection Legal Investigator I	3005	3063	3094	3124
Environmental Protection Legal Investigator II	3325	3393	3427	3461
Environmental Protection Legal Investigator III	3487	3556	3592	3627
Legal Investigator	3325	3393	3427	3461
Specialist	3325	3393	3427	3461
Explosives Inspector I	3872	3950	3990	4029
Explosives Inspector II	3005	3063	3094	3124
Fingerprint Technician	3487	3556	3592	3627
Fire Prevention Inspector I	4097	4178	4220	4262
Fire Prevention Inspector II	2255	2297	2320	2343
Guard I	2526	2572	2598	2623
Guard II	2859	2915	2944	2973
Guard III	2430	2474	2499	2523
Licensing Assistant	2859	2915	2944	2973
Licensing Investigator I	3325	3393	3427	3461
Licensing Investigator II	3487	3556	3592	3627
Licensing Investigator III	3872	3950	3990	4029
Licensing Investigator IV	3154	3216	3248	3280
Liquor Control Special Agent I	2430	2474	2499	2523
Motorist Assistance Specialist	3682	3756	3794	3831
Plant & Pesticide Specialist I	4097	4178	4220	4262
Plant & Pesticide Specialist II	4351	4437	4481	4526
Plumbing Inspector	4097	4178	4220	4262
Polygraph Examiner I	4603	4695	4742	4789
Polygraph Examiner II	5178	5282	5335	5388
Polygraph Examiner III	3325	3393	3427	3461
Products & Standards Inspector	3005	3063	3094	3124
Security Officer	3216	3248	3280	3316
Security Officer Sergeant	2859	2915	2944	2973
Seed Analyst I	3005	3063	3094	3124
Seed Analyst II	2526	2572	2598	2623
Site Security Officer	2790	2818	2846	2874
Truck Weighing Inspector	3682	3756	3794	3831
Vehicle Compliance Inspector	3154	3216	3248	3280
Vehicle Emissions Compliance Inspector	3005	3063	3094	3124
Vehicle Emissions Quality Assurance Auditor	3325	3393	3427	3461
Vital Records Quality Control Inspector	3005	3063	3094	3124
Warehouse Claims Specialist	4351	4437	4481	4526
Warehouse Examiner	3487	3556	3592	3627
Warehouse Examiner Specialist	3872	3950	3990	4029
Well Inspector I	3325	3393	3427	3461

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Well Inspector II

3872 3950 3990 4029

RC-029 Alternative Retirement Formula Schedule

Effective July 1, 2001

S T E P S

	1	2	3	4	5
Arson Investigator I	3173	3307	3442	3581	3793
Arson Investigator II	3519	3679	3830	3983	4220
Arson Investigator II (Lead Worker)	3644	3804	3955	4108	4345
Commerce Commission	3173	3307	3442	3581	3793
Police Officer I	3519	3679	3830	3983	4220
Police Officer II	2896	3017	3138	3268	3388
Licensing Investigator III	3173	3307	3442	3581	3793
Police Officer I	3519	3679	3830	3983	4220
Police Officer II	3752	3928	4114	4291	4469
Police Officer III	4195	4400	4607	4820	5023
Polygraph Examiner III	2546	2635	2737	2830	2934
Security Officer	2647	2752	2859	2963	3073
Security Officer Sergeant					

S T E P S (Cont.)

	6	7	8	Eff. 1/1/02
Arson Investigator I	3869	3947	3986	4026
Arson Investigator II	4304	4390	4434	4478
Arson Investigator II (Lead Worker)	4429	4515	4559	4603
Commerce Commission	3869	3947	3986	4026
Police Officer I	4304	4390	4434	4478
Police Officer II	3591	3661	3698	3734
Licensing Investigator III	3869	3947	3986	4026
Police Officer I	4304	4390	4434	4478
Police Officer II	4742	4836	4884	4933
Police Officer III	5334	5441	5495	5550
Polygraph Examiner III	3093	3155	3187	3218
Security Officer	3248	3313	3346	3379
Security Officer Sergeant				

Note: The Step 8 Step-7 rate shall be increased by \$50 \$50-00 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 8 Step-7 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 \$50-00 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective January-17-2002

	--1	--2	--3	--4
Agricultural-Product-Promoter	2576	2670	2779	2900
Animal-6-Animal-Products	2594	2799	2941	3027
--Investigator				
Apiary-Inspector	1977	1931	1900	2041
Breath-Alcohol-Analysts-Technician	2951	3000	3210	3343
Commodities-Inspector	2066	2361	2443	2523
Drug-Compliance-Investigator	4602	4042	5075	5310
Environmental-Protection-Begat	2470	2564	2663	2751
--Investigator-I				
Environmental-Protection-Begat	2594	2799	2941	3027
--Investigator-II				
Explosives-Inspector-I	2594	2799	2941	3027
Explosives-Inspector-II	3096	3239	3375	3511
Fingerprint-Technician	2470	2564	2663	2751
Fire-Prevention-Inspector-I	2015	2032	3040	3172
Fire-Prevention-Inspector-II	3265	3416	3571	3710
Guard-I	1933	1991	2040	2102
Guard-II	2124	2193	2269	2335
Guard-III	2373	2454	2545	2633
Licensing-Assistant	2053	2119	2104	2249
Licensing-Investigator-I	2373	2454	2545	2633
Licensing-Investigator-II	2594	2799	2941	3027
Licensing-Investigator-III	2015	2032	3040	3172
Licensing-Investigator-IV	3096	3239	3375	3511
Liquor-Control-Special-Agent-I	2576	2670	2779	2900
Motorist-Assistance-Specialist	2053	2119	2104	2249
Plant-6-Pesticide-Specialist-I	2951	3000	3210	3343
Plant-6-Pesticide-Specialist-II	3265	3416	3571	3710
Plumbing-Inspector	3450	3612	3700	3930
Polygraph-Examiner-I	3265	3416	3571	3710
Polygraph-Examiner-II	3643	3813	3993	4167
Polygraph-Examiner-III	4672	4272	4473	4600
Products-6-Standards-Inspector	2594	2799	2941	3027
Security-Officer	2470	2564	2663	2751
Security-Officer-Sergeant	2576	2670	2779	2900
Seed-Analyst-I	2373	2454	2545	2633
Seed-Analyst-II	2470	2564	2663	2751
Site-Security-Officer	2124	2193	2269	2335
Truck-Weighing-Inspector	2206	2361	2443	2523

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Vehicle-Compliance-Inspector	2951	3000	3218	3343
Vehicle-Emissions-Compliance	2976	2670	2779	2800
--Inspector				
Vehicle-Emissions-Quality	2470	2564	2663	2751
--Assurance-Auditor				
Vital-Records-Quality-Control	2470	2564	2663	2751
--Inspector				
Warehouse-Claims-Specialist	3450	3612	3700	3930
Warehouse-Examiner	2015	2032	3040	3172
Warehouse-Examiner-Specialist	3096	3239	3375	3511
Well-Inspector-I	2094	2799	2921	3027
Well-Inspector-II	3096	3239	3375	3511
S-W-B-P-S-(Cont-)				
	--5	--6	--7	--8
Agricultural-Product-Promoter	2907	3154	3216	3200
Animal-&Animal-Products	3143	3325	3393	3461
--Investigator				
Apiary-Inspector	2090	2100	2227	2272
Breath-Alcohol-Analysis-Technician	3477	3682	3756	3931
Commodities-Inspector	2606	2740	2798	2846
Drug-Compliance-Investigator	5550	5097	6015	6135
Environmental-Protection-Regat	2052	3005	3063	3124
--Investigator-I				
Environmental-Protection-Regat	3143	3325	3393	3461
--Investigator-II				
Explosives-Inspector-I	3143	3325	3393	3461
Explosives-Inspector-II	3654	3072	3950	4029
Fingerprint-Technician	2052	3005	3063	3124
Fire-Prevention-Inspector-I	3290	3407	3556	3627
Fire-Prevention-Inspector-II	3067	4097	4170	4262
Guard-I	2150	2255	2297	2343
Guard-II	2400	2526	2572	2623
Guard-III	2715	2059	2915	2973
Licensing-Assistant	2317	2430	2474	2523
Licensing-Investigator-I	2715	2059	2915	2973
Licensing-Investigator-II	3143	3325	3393	3461
Licensing-Investigator-III	3290	3407	3556	3627
Licensing-Investigator-IV	3054	3072	3950	4029
Liquor-Control-Special-Agent-I	2907	3154	3216	3200
Motorist-Assistance-Specialist	2317	2430	2474	2523
Plant-&Pesticide-Specialist-I	3477	3682	3756	3931
Plant-&Pesticide-Specialist-II	3067	4097	4170	4262
Plumbing-Inspector	4103	4351	4437	4526
Polygraph-Examiner-I	3067	4097	4170	4262
Polygraph-Examiner-II	4300	4603	4695	4789
Polygraph-Examiner-III	4076	5170	5202	5300
Products-&Standards-Inspector	3143	3325	3393	3461

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Security-Officer	2052	3005	3063	3124
Security-Officer-Sergeant	2907	3154	3216	3200
Seed-Analyst-I	2715	2859	2915	2973
Seed-Analyst-II	2052	3005	3063	3124
Site-Security-Officer	2400	2526	2572	2623
Truck-Weighing-Inspector	2606	2740	2790	2846
Vehicle-Compliance-Inspector	3477	3682	3756	3931
Vehicle-Emissions-Compliance	2907	3154	3216	3200
--Inspector				
Vehicle-Emissions-Quality	2052	3005	3063	3124
--Assurance-Auditor				
Vital-Records-Quality-Control	2052	3005	3063	3124
--Inspector				
Warehouse-Claims-Specialist	4103	4351	4437	4526
Warehouse-Examiner	3290	3407	3556	3627
Warehouse-Examiner-Specialist	3654	3072	3950	4029
Well-Inspector-I	3143	3325	3393	3461
Well-Inspector-II	3654	3072	3950	4029
RG-029-Alternative-Retirement-Formula-Schedule				
Effective-January-17-2002				
S-W-B-P-S				
	--1	--2	--3	--4
Arson-Investigator-I	3173	3307	3442	3501
Arson-Investigator-II	3519	3679	3830	3903
Arson-Investigator-III	3644	3804	3955	4100
(Head-Worker)				
Commerce-Commission	3173	3307	3442	3501
--Police-Officer-I				
Commerce-Commission	3519	3679	3830	3903
--Police-Officer-II				
Licensing-Investigator-III	2096	3017	3130	3260
Police-Officer-I	3173	3307	3442	3501
Police-Officer-II	3519	3679	3830	3903
Police-Officer-III	3752	3920	4114	4291
Polygraph-Examiner-III	4195	4400	4607	4820
Security-Officer	2546	2635	2737	2930
Security-Officer-Sergeant	2647	2752	2859	2963
S-W-B-P-S-(Cont-)				
	--5	--6	--7	--8
Arson-Investigator-I	3793	3869	3947	4026
Arson-Investigator-II	4020	4304	4390	4470
Arson-Investigator-III	4345	4429	4515	4603
(Head-Worker)				
Commerce-Commission	3793	3869	3947	4026

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

--Police-Officer-I
 Commerce-Commission
 --Police-Officer-II
 Licensing-Investigator-III
 Police-Officer-I
 Police-Officer-II
 Police-Officer-III
 Polygraph-Examiner-III
 Security-Officer
 Security-Officer-Sergeant

4220 4304 4390 4478

3380 3591 3661 3734

3793 3869 3947 4026

4220 4304 4390 4478

4469 4742 4836 4933

5023 5334 5441 5550

2934 3093 3155 3210

3073 3240 3313 3379

Note:--The-Step-7-rate-shall-be-increased--by--\$50.00--per--month--for--those employees--(non-sworn)--who--attain--15-years-of--service--and--have--3-or-more years-of-creditable-service-on-Step-7-in-the-same-pay-grade.
 The-Arson-Investigator-I--II--Commerce-Commission-Police-Officer-I--II--Police-Officer-I--II--and-III-shall-be-placed-in-a-longevity-schedule receiving-a-salary-increase-of--an-additional--\$50.00--per--month--upon reaching--10--years--13--years--15-years--and--17-years-of--service--in-the same-classification-series.

Effective: July 1, 2002

S T E P S

	1	2	3	4	5
Agricultural Product Promoter	2676	2778	2883	2988	3099
Animal & Animal Products Investigator	2795	2904	3031	3141	3261
Apiary Inspector	1977	2031	2080	2141	2190
Breath Alcohol Analysis Technician	3062	3196	3330	3468	3607
Commodities Inspector	3058	3191	3326	3464	3603
Drug Compliance Investigator	2386	2461	2543	2623	2706
Environmental Protection Legal Investigator I	4775	5024	5265	5509	5758
Environmental Protection Legal Investigator II	2578	2664	2763	2854	2959
Environmental Protection Legal Investigator II	2795	2904	3031	3141	3261
Legal Investigator	2921	3042	3162	3291	3413
Specialist					
Explosives Inspector I	2795	2904	3031	3141	3261
Explosives Inspector II	3212	3360	3502	3643	3791
Fingerprint Technician	2578	2664	2763	2854	2959
Fire Prevention Inspector I	2921	3042	3162	3291	3413
Fire Prevention Inspector II	3387	3544	3705	3857	4012
Guard I	2033	2091	2148	2202	2258
Guard II	2224	2293	2369	2435	2508
Guard III	2473	2554	2645	2733	2817
Licensing Assistant	2153	2219	2284	2349	2417

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Licensing Investigator I
 Licensing Investigator II
 Licensing Investigator III
 Licensing Investigator IV
 Liquor Control Special Agent I

2473 2554 2645

2795 2904 3031

2921 3042 3162

3212 3360 3502

2677 2783 2889

2795 2904 3031

2153 2219 2284

3062 3196 3330

3387 3544 3705

3579 3747 3922

3387 3544 3705

3780 3956 4143

4225 4432 4641

2795 2904 3031

2578 2664 2763

2676 2778 2883

2473 2554 2645

2578 2664 2763

2224 2293 2369

2386 2461 2543

3062 3196 3330

3050 3191 3326

2676 2778 2883

Vehicle Emissions Compliance Inspector

Vehicle Emissions Quality Assurance Auditor

Vital Records Quality Control Inspector

Warehouse Claims Specialist

Warehouse Examiner

Warehouse Examiner Specialist

Well Inspector I

Well Inspector II

S T E P S (Cont.)

	6	7	8
Agricultural Product Promoter	3272	3337	3404
Animal & Animal Products Investigator	3450	3520	3590
Apiary Inspector	2288	2327	2374
Breath Alcohol Analysis Technician	3820	3897	3975
Commodities Inspector	3015	3092	3170
Drug Compliance Investigator	2843	2895	2953
Environmental Protection Legal Investigator I	6118	6241	6366
Investigator I	3118	3178	3242

Eff.
1/1/03

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective:--January 17-2003

S-W-P-S			
--1	--2	--3	--4
2676	2778	2883	2988
2795	2984	3031	3141
1977	2031	2080	2141
3050	3191	3326	3464
2306	2461	2543	2623
4775	5024	5265	5509
2570	2664	2763	2854
2795	2904	3031	3141
2795	2904	3031	3141
2795	2904	3031	3141
3312	3460	3592	3733
2764	2964	3162	3391
3307	3544	3705	3857
2033	2091	2148	2202
2224	2293	2369	2435
2473	2554	2645	2733
2153	2219	2284	2349
2473	2554	2645	2733
2795	2904	3031	3141
2921	3042	3162	3291
3312	3460	3592	3733
2795	2904	3031	3141
2153	2219	2284	2349
3062	3196	3330	3460
3307	3544	3705	3857
3307	3544	3705	3857
3709	3956	4143	4323
4225	4432	4641	4856
2795	2904	3031	3141
2570	2664	2763	2854
2676	2778	2883	2988
2473	2554	2645	2733
2224	2293	2369	2435
2306	2461	2543	2623
3050	3191	3326	3464
2676	2778	2883	2988

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

S-W-P-S			
--5	--6	--7	--8
3899	3272	3337	3437
3261	3450	3528	3626
2198	2288	2327	2397
3683	3815	3892	4009
2706	2843	2895	2982
5750	6110	6241	6428
2959	3118	3178	3273
3261	3450	3528	3626
3261	3450	3528	3626
3791	4817	4898	4231
2959	3118	3178	3273
3413	3610	3609	3800
4812	4251	4335	4465
2250	2355	2397	2469
2500	2626	2672	2752
2817	2966	3024	3115
2417	2530	2574	2651
2817	2966	3024	3115
3261	3450	3528	3626
3413	3610	3609	3800
3791	4817	4898	4231
3261	3450	3528	3626
2417	2530	2574	2651
3607	3820	3897	4014
4812	4251	4335	4465
4257	4514	4683	4741
4012	4251	4335	4465
4501	4776	4971	5017
5059	5372	5480	5644
3261	3450	3528	3626
2959	3118	3178	3273

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Security-Officer-Sergeant	3099	3272	3337	3437
Seed-Analyst-I	3017	2966	3024	3115
Seed-Analyst-II	2959	3110	3178	3273
Site-Security-Officer	2500	2626	2672	2752
Truck-Weighing-Inspector	2706	2043	2095	2902
Vehicle-Compliance-Inspector	3003	3015	3092	4009
Vehicle-Emissions-Compliance	3099	3272	3337	3437
--Inspector				
Vehicle-Emissions-Quality	2959	3110	3178	3273
--Assurance-Auditor				
Vital-Records-Quality-Control	2959	3110	3178	3273
--Inspector				
Warehouse-Claims-Specialist	4257	4514	4603	4741
Warehouse-Examiner	3413	3618	3609	3800
Warehouse-Examiner-Specialist	3791	4017	4098	4221
Well-Inspector-I	3261	3450	3520	3626
Well-Inspector-II	3791	4017	4090	4221

RE-029-Alternative-Retirement-Formula-Schedule

Effective-January-17-2003

	S-U-E-P-S			
	--1	--2	--3	--4
Arson-Investigator-I	3292	3431	3571	3715
Arson-Investigator-II	3651	3817	3974	4132
Arson-Investigator-III	3776	3942	4099	4257
(Lead-Worker)				
Commerce-Commission	3292	3431	3571	3715
--Police-Officer-I				
Commerce-Commission	3651	3817	3974	4132
--Police-Officer-II				
Licensing-Investigator-III	3005	3190	3256	3391
Police-Officer-I	3092	3431	3571	3715
Police-Officer-II	3651	3817	3974	4132
Police-Officer-III	3093	4075	4260	4452
Polygraph-Examiner-III	4352	4565	4700	5001
Security-Officer	2646	2735	2840	2936
Security-Officer-Sergeant	2747	2855	2966	3074

S-U-E-P-S-(Cont-)

	S-U-E-P-S-(Cont-)			
	--5	--6	--7	--8
Arson-Investigator-I	3935	4014	4095	4210
Arson-Investigator-II	4370	4465	4555	4692
Arson-Investigator-III	4503	4590	4680	4817
(Lead-Worker)				
Commerce-Commission	3935	4014	4095	4210
--Police-Officer-I				

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Commerce-Commission	4370	4465	4555	4692
--Police-Officer-II				
Licensing-Investigator-III	3515	3726	3790	3912
Police-Officer-I	3935	4014	4095	4210
Police-Officer-II	4370	4465	4555	4692
Police-Officer-III	4637	4920	5017	5160
Polygraph-Examiner-III	5211	5534	5645	5814
Security-Officer	3044	3209	3273	3371
Security-Officer-Sergeant	3108	3270	3337	3540

Note:--The Step-7 rate shall be increased by \$50.00 per month for those employees who attain 15 years of service at the same pay grade. The Arson Investigator I, II, and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50.00 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series.

Effective: July 1, 2003

	S T E P S			
	1	2	3	4
Agricultural Product Promoter	2783	2889	2998	3108
Animal & Animal Products Investigator	2907	3020	3152	3267
Apiary Inspector	2077	2131	2180	2241
Breath Alcohol Analysis Technician	3184	3224	3263	3307
Commodities Inspector	3165	3202	3242	3285
Drug Compliance Investigator	2486	2561	2645	2728
Environmental Protection Legal Investigator I	4966	5225	5476	5729
Environmental Protection Legal Investigator II	2681	2771	2874	2968
Environmental Protection Legal Investigator III	2907	3020	3152	3267
Environmental Protection Legal Investigator IV	3038	3164	3288	3423
Legal Investigator Specialist				
Explosives Inspector I	2907	3020	3152	3267
Explosives Inspector II	3340	3494	3642	3789
Fingerprint Technician	2681	2771	2874	2968
Fire Prevention Inspector I	3038	3164	3288	3423
Fire Prevention Inspector II	3522	3686	3853	4011
Guard I	2133	2191	2248	2302
Guard II	2324	2393	2469	2535
Guard III	2573	2656	2751	2842
Licensing Assistant	2253	2319	2384	2449
Licensing Investigator I	2573	2656	2751	2842

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Licensing Investigator II	2907	3020	3152	3267
Licensing Investigator III	3038	3164	3288	3423
Licensing Investigator IV	3340	3494	3642	3789
Liquor Control Special Agent I	2784	2894	3005	3114
	2907	3020	3152	3267
Motorist Assistance Specialist	2253	2319	2384	2449
Plant & Pesticide Specialist I	3184	3324	3463	3607
Plant & Pesticide Specialist II	3522	3686	3853	4011
Plumbing Inspector	3722	3897	4079	4249
Polygraph Examiner I	3522	3686	3853	4011
Polygraph Examiner II	3931	4114	4309	4496
Polygraph Examiner III	4394	4609	4827	5050
Products & Standards Inspector	2907	3020	3152	3267
Security Officer	2681	2771	2874	2968
Security Officer Sergeant	2783	2889	2998	3108
Seed Analyst I	2573	2656	2751	2842
Seed Analyst II	2681	2771	2874	2968
Site Security Officer	2324	2393	2469	2535
Truck Weighing Inspector	2486	2561	2645	2728
Vehicle Compliance Inspector	3184	3324	3463	3607
	3165	3302	3442	3505
Vehicle Emissions Compliance Inspector	2783	2889	2998	3108
Vehicle Emissions Quality Assurance Auditor	2681	2771	2874	2968
Vital Records Quality Control Inspector	2681	2771	2874	2968
Warehouse Claims Specialist	3722	3897	4079	4249
Warehouse Examiner	3038	3164	3288	3423
Warehouse Examiner Specialist	3340	3494	3642	3789
Well Inspector I	2907	3020	3152	3267
Well Inspector II	3340	3494	3642	3789
S T E P S (Cont.)				
	5	6	7	8
Agricultural Product Promoter	3223	3403	3470	3574
Animal & Animal Products Investigator	3391	3588	3661	3771
Apiary Inspector	2290	2388	2427	2500
Breath Alcohol Analysis Technician	3751	3973	4053	4175
	3729	3940	4020	4149
Commodities Inspector	2814	2957	3011	3101
Drug Compliance Investigator	5988	6363	6491	6685
Environmental Protection Legal Investigator I	3077	3243	3305	3404
Environmental Protection Legal Investigator II	3391	3588	3661	3771
Environmental Protection	3550	3763	3837	3952

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Legal Investigator				
Specialist				
Explosives Inspector I	3391	3588	3661	3771
Explosives Inspector II	3943	4178	4262	4390
Fingerprint Technician	3077	3243	3305	3404
Fire Prevention Inspector I	3550	3763	3837	3952
Fire Prevention Inspector II	4172	4421	4508	4643
Guard I	2358	2455	2497	2572
Guard II	2608	2731	2779	2862
Guard III	2930	3085	3145	3239
Licensing Assistant	2517	2631	2677	2757
Licensing Investigator I	2930	3085	3145	3239
Licensing Investigator II	3391	3588	3661	3771
Licensing Investigator III	3550	3763	3837	3952
Licensing Investigator IV	3943	4178	4262	4390
Liquor Control Special Agent I	3229	3410	3477	3581
	3391	3580	3661	3771
Motorist Assistance Specialist	2517	2631	2677	2757
Plant & Pesticide Specialist I	3751	3973	4053	4175
Plant & Pesticide Specialist II	4172	4421	4508	4643
Plumbing Inspector	4427	4695	4787	4931
Polygraph Examiner I	4172	4421	4508	4643
Polygraph Examiner II	4681	4967	5066	5218
Polygraph Examiner III	5261	5587	5699	5870
Products & Standards Inspector	3391	3588	3661	3771
Security Officer	3077	3243	3305	3404
Security Officer Sergeant	3223	3403	3470	3574
Seed Analyst I	2930	3085	3145	3239
Seed Analyst II	3077	3243	3305	3404
Site Security Officer	2608	2731	2779	2862
Truck Weighing Inspector	2814	2957	3011	3101
Vehicle Compliance Inspector	3751	3973	4053	4175
	3729	3940	4020	4149
Vehicle Emissions Compliance Inspector	3223	3403	3470	3574
Vehicle Emissions Quality Assurance Auditor	3077	3243	3305	3404
Vital Records Quality Control Inspector	4427	4695	4787	4931
Warehouse Claims Specialist	3550	3763	3837	3952
Warehouse Examiner	3943	4178	4262	4390
Warehouse Examiner Specialist	3391	3588	3661	3771
Well Inspector I	3943	4178	4262	4390
Well Inspector II				

RC-029 Alternative Retirement Formula Schedule

Effective July 1, 2003

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

	S T E P S			
	1	2	3	4
Arson Investigator I	3424	3568	3714	3864
Arson Investigator II	3797	3970	4133	4297
Arson Investigator II (Lead Worker)	3922	4095	4258	4422
Commerce Commission	3424	3568	3714	3864
Police Officer I	3797	3970	4133	4297
Police Officer II				
Licensing Investigator III	3125	3255	3386	3527
Police Officer I	3424	3568	3714	3864
Police Officer II	3797	3970	4133	4297
Police Officer III	4049	4238	4439	4630
Polygraph Examiner III	4526	4748	4971	5201
Security Officer	2752	2844	2954	3053
Security Officer Sergeant	2857	2969	3085	3197

S T E P S (Cont.)

	5	6	7	8
Arson Investigator I	4092	4175	4259	4387
Arson Investigator II	4553	4644	4737	4879
Arson Investigator II (Lead Worker)	4678	4769	4862	5004
Commerce Commission	4092	4175	4259	4387
Police Officer I				
Commerce Commission	4553	4644	4737	4879
Police Officer II				
Licensing Investigator III	3656	3875	3950	4069
Police Officer I	4092	4175	4259	4387
Police Officer II	4553	4644	4737	4879
Police Officer III	4822	5117	5218	5375
Polygraph Examiner III	5419	5755	5871	6047
Security Officer	3166	3337	3404	3506
Security Officer Sergeant	3316	3505	3574	3681

Note: The Step 8 rate shall be increased by \$50 \$50-00 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 8 Step-7 in the same pay grade. The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional \$50 \$50-00 per month upon reaching 10 years, 13 years, 15 years of service in the same classification series; and after reaching 17 years of service in the same classification series, an increase of an additional \$75 75-00 per month shall be granted.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Solicitation for Charitable Payroll Deductions

2) Code Citation: 80 Ill. Adm. Code 2650

3) Section Numbers:

2650.1	<u>Proposed Action:</u>
2650.5	Amend
2650.10	Amend
2650.15	Amend
2650.20	Amend
2650.25	Amend
2650.30	Amend
2650.40	Amend
2650.50	Amend
2650.60	Amend

4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

5) A Complete Description of the Subjects and Issues Involved: These proposed changes address recent amendments to the Voluntary Payroll Deductions Act of 1983 making annuitants and contractual employees eligible to contribute to SECA charities through a withholding process. Proposed changes also make technical changes and amendments.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield IL 62706
217/782-9669

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

A) Types of small businesses, small municipalities and not for profit corporations affected: Not for profit corporations participating in the SECA campaign may be affected by these proposed amendments. The Department is especially interested in receiving written comments from affected not for profit corporations. Interested not for profit corporations affected by this rulemaking may also contact Ms. Jodi Schrage at 217/524-5511 to informally discuss the proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE G: PAYROLL DEDUCTIONS

CHAPTER III: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2650

SOLICITATION FOR CHARITABLE PAYROLL DEDUCTIONS

Section	Definitions
2650.1	Entitlement
2650.5	Organization
2650.10	Annual Drive
2650.15	Recognition
2650.20	Request to Solicit Employees or Annuitants
2650.25	Prohibitions
2650.30	Code of Campaign Conduct
2650.40	Violation of Code of Campaign Conduct
2650.50	Committee on Campaign Conduct
2650.60	Allocation of Expenses to SECA Participants Membership
2650.70	

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6975, effective April 1, 1988, for a maximum of 150 days; emergency repealer adopted at 12 Ill. Reg. 10191, effective June 10, 1988, for a maximum of 150 days; adopted at 13 Ill. Reg. 3330, effective March 6, 1989; amended at 16 Ill. Reg. 11438, effective July 6, 1992; amended at 18 Ill. Reg. 3115, effective February 22, 1994; amended at 21 Ill. Reg. 11532, effective August 1, 1997; amended at 26 Ill. Reg. _____, effective _____.

Section 2650.1 Definitions

For purposes of this Part, the following terms shall have the meaning given in this Section below:

"Act": The Voluntary Payroll Deductions Act of 1983 [5 ILCS 340].

"Advisory Board": The board created pursuant to Section 2650.10(b) of this Part.

"Agency": Agencies, boards, commissions and other entities under the Governor. Constitutional officers, universities, retirement systems and other agencies shall be governed by this Part ~~the~~ rules promulgated pursuant to this Section, unless such entities adopt their own rules governing solicitation of contributions at the workplace.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

"Annuitant": A State annuitant, as defined by the Act.

"Calendar Year": Any 12-month period beginning January 1.

"Chief Officer": The head of any agency, except institutions of higher education and their governing bodies, board or commission appointed by the Governor.

"Department": The Illinois Department of Central Management Services.

"Director": Unless a different agency is specified, "Director" shall mean the Director of the Department of ~~Central Management Services~~ or his or her designee.

"Employee": An Employee, as defined by the Act. ~~Any regular officer or employee who receives salary or wages for personal services rendered to the State of Illinois, except contractually part-time temporary or emergency employees or employees of institutions of higher education and their governing bodies.~~

"Newly Qualified Charitable Organization": A Newly Qualified Charitable Organization will be defined, for privilege and financial purposes, as one which is participating in the SECA campaign for the first time.

"Qualified Charitable Organization": Any organization recognized by the Office of the Comptroller as eligible to receive payroll deductions under the Voluntary Payroll Deduction Act.

"Retirement System": A Retirement System, as defined by the Act.

"SECA": State and University Employees Combined Appeal. The annual combined drive of Qualified Charitable Organizations.

"Withholding": The authorization by an employee or annuitant for a specific amount to be deducted from salary, or wages, or an annuity or disability benefit, to be paid over promptly to the organization designated by the employee or annuitant by means of warrants drawn by the State Comptroller, a Retirement System or other appropriate source.

"Work Place": The physical location for an employee to perform her or his work but not including any area accessible to the public or any area used exclusively for rest or refreshment.

"Work Time": That period of the workday for which the employee is paid to perform services for the State of Illinois, but not including unpaid meal periods or paid rest periods.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2650.5 Entitlement

Any Qualified Charitable Organization qualified--charitable-organization is entitled to solicit contributions from State employees during work time and in the work place as provided and regulated in this Part. Any Qualified Charitable Organization is entitled to solicit contributions from annuitants as provided and regulated in this Part and in any other applicable rules.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2650.10 Organization

- a) The Director shall have general administrative and policy authority regarding SECA.
- b) An Advisory advisory Board committee to assist in implementing and regulating the State and University Employees Combined Appeal (SECA) is herewith established under the chairmanship of the Director (or his/-her designee). Membership of this Advisory Board committee will consist of five or more State employees "at large" representing employee interests; the prior year's SECA chairperson; the Lieutenant Governor or his/her designee; a representative of a State employee labor organization; and the appointed SECA Chairperson for the current year. The at-large members and the labor organization representative shall be appointed by the Director. No State employee shall serve more than three consecutive one-year terms. The Advisory Board committee shall meet at least quarterly. The function of the Advisory Board committee is to advise the Director on SECA matters, including:
 - 1) Discussion and planning of the administration and conduct of the annual campaign.
 - 2) Review of combined campaign materials, educational programs, publicity efforts, campaign goals and recognition-award programs.
 - 3) Selection process for SECA coordinators.
 - 4) Verification of continuing eligibility through the Comptroller's Office.
 - 5) Any other issues determined to be consistent with the functions of the Advisory Board committee.
 A representative from each Qualified Charitable Organization may attend and speak at each Advisory advisory Board committee meeting, but shall not have a vote on the Advisory advisory Board committee.
- c) A chairperson for each annual SECA shall be appointed by the Governor. The Said chairperson shall serve on the Advisory Board advisory committee to assist the Director on functions specified in subsections (b)(2) and (b)(3) above. Each chief officer shall appoint an executive coordinator for each annual campaign. SECA coordinators or

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

other agency employees shall be permitted work time to perform their responsibilities, including campaign briefings and training, distribution of literature, collection of pledge cards, telephone and contact with representatives of the Qualified Charitable Organizations. SECA coordinators will be permitted to request liaisons to assist where an agency has multiple worksites. SECA liaisons will be given time to meet with their coordinator for training. Any State employee who volunteers for the campaign shall contribute time solely during non-work hours.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2650.15 Annual Drive

An annual SECA drive shall be held to include all Qualified Charitable Organizations under the following conditions:

a) Employees:

- 1a) solicitations for contributions donations may commence no earlier than September 1, must end no later than November 30, and must be conducted within a period of eight consecutive weeks;
- 2b) equal access and promotional opportunity time shall be allowed for each Qualified Charitable Organization by the agency coordinator;
- 3c) there shall be no lessening or disruption of work in the work place;
- 4d) employees shall be informed regarding any Qualified Charitable Organization as charitable alternatives;
- 5e) qualification of any charitable organization by the Office of the Comptroller shall occur by December 31 prior to the annual drive whose authorized withholdings are to be effective the following January 1 as provided in Section 2650.20. Organizations shall submit the required designations and certifications to the Comptroller two weeks before the December 31 deadline;
- 6f) one combined brochure and payroll deduction form will be prepared and printed by the charities. This brochure will include all charities qualified as of the above cutoff date to participate in SECA and will be distributed during the campaign to all State employees covered under these rules by the Executive Coordinators and their liaison;
- 7g) during the campaign period, employees may attend on their own volition presentations of each or any Qualified Charitable Organization, such time totaling not more than 1 hour in the aggregate annually. Agencies, in cooperation with the Qualified Charitable Organization, shall endeavor to schedule presentations to permit all interested employees to attend such presentations.

b) Annuitants:

- 1) Qualification of any charitable organization by the Office of the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Comptroller shall occur in the manner set forth in subsection (a)(5):

- 2) solicitations of annuitants may be made by brochures or other printed campaign material approved by the Advisory Board or its designee;
- 3) it is not necessary that all annuitants be solicited for contributions for any given annual SECA campaign. The Advisory Board, or its designee, shall consider on an annual basis which annuitants should receive solicitations through SECA. The Advisory Board, or its designee, shall annually consult with one or more of the Retirement Systems concerning the solicitation of annuitants.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2650.20 Recognition

The following conditions shall regulate any petition drive for any charitable organization seeking to become a qualified charitable organization.

- a) Representatives of non-qualified organizations shall be entitled to use public access areas of an agency to set up information dissemination points and to request employee and annuitant participation in petition drives.
- b) It is the responsibility of any operating agency to verify through the Corporate Division of the Office of the Secretary of State the validity of a non-qualified charitable organization conducting a petition drive to determine whether such organization is chartered as a not-for-profit (501(c)(3)) corporation in the State of Illinois and to verify that the charitable organization has filed required periodic reports with the office of the Attorney General as provided in the Solicitation for Charity Act [225 ILCS 460] "AN ACT TO REGULATE solicitation--and--collection--of--funds--for--charitable--purposes--providing--for--violations--thereof--and--making--an--appropriation therefor--" (Ill. Rev. Stat. 1987, ch. 237, par. 5101-et-seq.) and to verify if the organization's petition forms have been approved by the Office of the Comptroller.
- c) Qualify for direct withholding as provided in the Act Veterinary Payroll Deductions--Act--of-1983--(Ill. Rev. Stat. 1987, ch. 157, par. 501-et-seq.).
- d) No agency shall discriminate against any charitable organization seeking recognition unless that organization has not filed as a non-profit corporation with the Office of the Secretary of State.
- e) No employee or annuitant shall circulate any petition on behalf of any charitable organization during working hours in the work place.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 2650.25 Request to Solicit Employees or Annuitants

Any request by a charitable organization, whether a Qualified Charitable Organization or not, to solicit contributions from employees or annuitants received in any agency shall be forwarded to the Director for action as provided in this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2650.30 Prohibitions

- a) No charitable organization shall solicit State employees for contributions ~~donations~~ at State work places except as a participant in SECA. Only Qualified Charitable Organizations which participate in SECA shall be entitled to direct access in the work place and to employees in the work place and during work time during the course of the year.
- b) No employee or annuitant shall solicit funds on behalf of any charitable organization that ~~which~~ is not a Qualified Charitable Organization during work hours in the work place.
- c) No State agency shall:
 - 1) allow supervisors to inquire about whether an employee or annuitant chose to participate or not to participate or the amount of an employee's or annuitant's contribution ~~denation~~;
 - 2) set, request or encourage 100% participation goals or other goals that would imply compulsory participation;
 - 3) set, request or encourage personal dollar goals or quotas; or
 - 4) encourage contributions to particular SECA organizations.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2650.40 Code of Campaign Conduct

Qualified Charitable Organizations which wish to seek contributions from State employees at their work place shall comply with this Code of Conduct.

- a) Approval and distribution of campaign materials
 - 1) All materials to be distributed or used at the work place shall be reviewed and approved by the Department or Advisory Board Committee. If material is not submitted by deadlines established by the Department or Advisory Board Committee or is not approved by the same, that material shall be excluded and not distributed.
 - 2) Materials (including films and videotapes) shall be distributed to employees at the work place during the campaign period only.
 - 3) During the 30 days immediately prior to the start of the campaign period, materials may be stored at the work site and made available to the agency SECA coordinator in preparation for the

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

b) Use of employee and annuitant information

1) A State-employee's name and address obtained through SECA shall not be used for fundraising purposes by a Qualified Charitable Organization may not use the name or address of an employee or annuitant obtained through SECA for fundraising purposes when that State employee or annuitant has expressly stated in writing that his/her name may not be so used or sold by that Qualified Charitable Organization. Any employee or annuitant who does not provide such a written statement to a Qualified Charitable Organization shall be considered to have "released" his/her name and address to that Qualified Organization.

2) If an a--State employee or annuitant releases his/her name to a Qualified Charitable Organization, the Qualified Charitable Organization may use the State employee's or annuitant's name for the purpose of acknowledging the employee's or annuitant's their contribution and/or educating the State employee or annuitant further regarding the Qualified Charitable Organization; however, no State employee's or annuitant's name that which a Qualified Charitable Organization has been able to obtain only by virtue of such Organization's participation in SECA may be used by such Qualified Charitable Organization for fund raising purposes other than in the SECA campaign, and may not be sold or given to another organization or entity.

3) An employee or annuitant State--employees who at one time indicates indicate that his or her their name may not be released and at a later date decide to allow release must do so in writing to the Qualified Charitable Organizations Organization(s) to which the release applies.

4) An employee or annuitant State--employees who at one time "releases release" his or her their name may later rescind that authorization by submitting a letter to the Qualified Charitable Organization. The letter may be submitted to the Advisory Board, Committee which will then forward the letter to the Qualified Charitable Organization.

c) Giving to be voluntary

1) All solicitation activities shall be designed and conducted to elicit voluntary giving. Actions that coerce an employee or annuitant into giving, or create the appearance that employees or annuitants must give, are not permitted.

2) The following actions are prohibited for the Qualified Charitable Organizations:

A) requesting or encouraging that employees be solicited by their supervisor or by any individual in their supervisory chain of command. (This does not prohibit requesting the head of a department or agency to demonstrate support of SECA in employee or annuitant newsletters or other general communications.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

B) asking supervisors about whether an employee chose to participate or not to participate or the amount of an employee's contribution donation.

C) setting, requesting or encouraging that a department or agency set 100% participation goals or other goals that would imply compulsory participation.

D) setting, requesting or encouraging that a department or agency set personal dollar goals or quotas.

E) Encouraging contributions to particular organizations.

d) Any charity which wishes to participate in SECA, either directly or indirectly through a united or umbrella organizational arrangement, shall comply with this Code of Campaign Conduct. If the participating charity is part of a united or umbrella organization, that umbrella or united organization shall be responsible for informing each of its participating charities of the Code of Campaign Conduct.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2650.50 Violation of Code of Campaign Conduct

a) Any State employee, annuitant, governmental agency, university, or Qualified Charitable Organization with a complaint regarding SECA activities may submit a written complaint accompanied by supporting documentation to the Department.

b) Within ten working days after receipt of the complaint, the Department shall contact the party subject of the complaint and supply them with a copy of the written complaint and supporting documentation. The party subject of the complaint shall submit a response to the Department within 10 days after receipt of the complaint or the decision will be made without input from that party. Within ten working days after receiving the response, the Department will respond to the complainant denying the complaint, identifying the proposed resolution or taking other action, which may include conducting hearing.

c) Any such decision of the Department may be appealed to the Committee on Campaign Conduct within 10 calendar days after receipt of the response to the complaint.

d) The goal of the Committee shall be to act on the appeal, which may include holding a public hearing, and make a final determination within 10 working days after receipt of the appeal.

e) A Qualified Charitable Organization, or a benefiting agency of a Qualified Charitable Organization, may be denied participation in the SECA campaign for failure to comply with this Code of Campaign Conduct. Denial shall be for the next entire campaign period. Early reinstatement will be considered if the organization provides sufficient assurance that it will comply with these Code of Campaign Conduct rules. Restrictions may be placed on the Qualified Charitable

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Organization or benefiting agency if allowed early reinstatement. Suspension from a campaign shall not require a Qualified Charitable Organization to again meet basic qualifying criteria as set forth in the statute.

- f) To help other Qualified Charitable Organizations avoid suspension, the Department may circulate written reminders of conduct or actions which are or have been found to be violations of the Code.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2650.60 Committee on Campaign Conduct

- a) The Committee shall consist of the Director, the Director of the Lt. Governor's Office on Voluntary Action (LGOVA) and three members of the Advisory Board Committee to be named by the Director, not affiliated with any of the Qualified Charitable Organizations. In the event it is determined that any person named to the Committee is affiliated with any of the Qualified Charitable Organizations, the Director will name a substitute. For purposes of this paragraph, a person shall be deemed to be affiliated with a Qualified Charitable Organization if such person is on the Board of Directors of such organization or of any member agency of such organization or a paid employee of such organization or member agency of such organization.
- b) The Director of the Lt. Governor's Office on Voluntary Action shall serve as chair and provide staff for the Committee. The Committee shall choose a Vice-chair to serve in the Chair's absence.
- c) A quorum of those on the Committee shall be required to transact business except where action is taken to deny participation in SECA to a Qualified Charitable Organization in which case four-fifths of the Committee members must be present to take any such action.
- d) Committee meetings shall be conducted pursuant to the Open Meetings Act [5 ILCS 120].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Emergency Management Assistance Program
- 2) Code Citation: 29 Ill. Adm. Code 1310
- 3) Section Numbers:
 Proposed Action:
 1310.10 Repeal
 1310.20 Repeal
 1310.30 Repeal
 1310.40 Repeal
 1310.50 Repeal
- 4) Statutory Authority: Implementing Section 10 of the Illinois Emergency Management Agency Act and authorized by Section 5 of the Illinois Emergency Management Agency Act [20 ILCS 3305/10 and 5].
- 5) A Complete Description of the Subjects and Issues Involved: By this notice, the Agency is proposing to repeal Part 1310 because the Agency has proposed a new Part 301 which includes more current standards for eligibility to and administration of the Emergency Management Assistance grant program. Such standards will replace those listed in Part 1310.
- 6) Will this proposed repealer replace an emergency rule currently in effect?
 No
- 7) Does this proposed repealer contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This repealer will not affect units of local government because the comprehensive rule currently proposed by the Agency will address the issues included in the repealed Part 1310.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed repealer: Comments on this proposed repealer may be submitted in writing for a period of 45 days following publication of this notice to:
- Jeanne Heaton
 Assistant Legal Counsel
 Illinois Emergency Management Agency
 110 East Adams Street
 Springfield, IL 62701

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

corporations affected: This proposed repealer will have no impact on small businesses or not for profit corporations. Small municipalities who have chosen to establish an ESDA will only be impacted to the extent they must familiarize themselves with the differences between the standards established under the proposed Agency Part 301 and the repealed Part 1310.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Repealer begins on the next page:

ILLINOIS EMERGENCY MANAGEMENT AGENCY

NOTICE OF PROPOSED REPEALER

TITLE 29: EMERGENCY MANAGEMENT
CHAPTER I: ILLINOIS EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER C: ADMINISTRATION AND ORGANIZATION OF
EMERGENCY SERVICES AND DISASTER AGENCIES

PART 1310

EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (REPEALED)

Section	Purpose and Objectives
1310.10	Definitions
1310.20	Eligibility for Political Subdivisions to Apply and Participate in the Emergency Management Assistance (EMA) Program
1310.30	EMA Allocation Formula and Allocation Procedures
1310.40	EMA Program Participation Procedures
1310.50	

AUTHORITY: Implementing Section 10 and authorized by Section 5 of the Illinois Emergency Management Agency Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1055 and 1050) [20 ILCS 3305/10 and 5].

SOURCE: Adopted at 18 Ill. Reg. 6394, effective April 19, 1994; repealed at 26 Ill. Reg. _____, effective _____.

Section 1310.10 Purpose and Objectives

a) The purpose of this Part is to establish policy and procedures to administer the Emergency Management Assistance (EMA) Program to provide support for essential emergency management personnel and administrative expenses for political subdivisions as provided by the Federal Emergency Management Agency through Federal contributions "for up to one-half of eligible expenses such as salaries, benefits, travel, office supplies and administrative equipment, rent, maintenance of office space, utilities and insurance" (Civil Preparedness Guide (CPG) 1-3, ch. 2).

b) The objectives of the EMA Program are:

- 1) to ensure that ESDAs are established and maintained in political subdivisions to provide the basis for a national capability of dealing effectively with catastrophic disasters and national security emergencies; and
- 2) to increase the operational capability for emergency management at local levels of government by assisting political subdivisions to maintain and improve ESDAs with key positions filled by trained, experienced professionals and specialists (CPG 1-3, ch. 2).

Section 1310.20 Definitions

"Capability and Hazard Identification Program (CHIP)" means the

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Federal program for which states and political subdivisions that receive EMA funding are required to update the nationwide emergency management database by submitting information in accordance with CPG 1-36, 1-35 and 1-35a.

"Civil Preparedness Guides (CPGs)" means the publications that provide guidance and information on certain emergency management programs administered by the Federal Emergency Management Agency (FEMA) to states and through states to local governments as authorized by the Federal Civil Defense Act of 1950, as amended. CPGs supplement FEMA rules and regulations and describe policies, criteria, and restrictions, and reference and define the applications of other Federal laws, rules and regulations that are applicable to those FEMA-administered financial assistance programs. CPGs provide FEMA, states and local governments a consolidated point of reference for administering those FEMA emergency management programs. Copies of these publications are available at the Illinois Emergency Management Agency office located at 110 East Adams, Springfield, Illinois 62706 or at any regional office.

"Coordinator" means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision. [20 ILCS 3305/4]

"Emergency Management" means the efforts of the State and political subdivisions to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response and recovery. [20 ILCS 3305/4]

"Emergency Management Assistance (EMA)" means the Federal program that aids in the development of effective emergency management in the State and in the political subdivisions by providing Federal financial contributions of up to 50 percent of the IEA and the ESDA employees' salaries and benefits, travel and other administrative expenses.

"Emergency Operations Plan (EOP)" means the written plan of the State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters. [20 ILCS 3305/4]

"Emergency Services and Disaster Agency (ESDA)" means the agency established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments. [20 ILCS 3305/4]

"ESDA Administrative Staff" means the employee(s) of the political

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subdivision assigned to perform administrative duties on a full or part-time basis for the political subdivision's ESDA.

"ESDA Ordinance" means an ordinance adopted by the governing body of a political subdivision authorizing the establishment of an ESDA which provides for the implementation of an emergency management program consistent with the Illinois Emergency Management Agency Act.

"ESDA Personnel Oath" means the written oath taken by each person, whether compensated or non-compensated, who is appointed to serve in any capacity for an ESDA.

"Exercise" means an activity designed in accordance with the multi-year exercise plan to promote emergency preparedness; test or evaluate the EOP, procedures or facilities; train personnel in emergency management duties; and demonstrate operational capability.

"Federal Fiscal Year (FFY)" is the Federal budget period that begins on October 1, each year and ends the following September 30. The Federal Fiscal Year is divided into four quarters. The first quarter, October 1 - December 31; the second quarter, January 1 - March 31; the third quarter, April 1 - June 30; and the fourth quarter, July 1 - September 30.

"FEMA" means the Federal Emergency Management Agency.

"Grant Agreement" means the document between the Illinois Emergency Management Agency and the ESDA in which each agree annually to specific terms and conditions of the EMA Program grant based on the State fiscal year, July 1 through June 30.

"IEA" means the Illinois Emergency Management Agency.

"IEA Region" means any of the substate regions designed to improve administrative and operational control of the IEA effort.

"Local Civil Rights Compliance Checklist" means FEMA Form 14-4 used by ESDAs to assure compliance with Title VI of the Civil Rights Act of 1964.

"Merit System Compliance" refers to the statutory requirement for certification by the Principal Executive Officer of the political subdivision's system of personnel administration that complies with the personnel standards established by the Office of Personnel Management.

"Notice of Appointment Card" means the card submitted to the IEA regional office which includes the notification of appointment of the

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ESDA coordinator by the principal executive officer of the political subdivision and the notarized oath of appointment of the coordinator.

"Office of Personnel Management (OPM)" means the office within the Federal government that, under the provisions of the Intergovernmental Personnel Act, as amended, is responsible for setting personnel standards that are to be followed by states and political subdivisions as a condition of participation in Federal assistance programs that require a merit system of personnel administration for personnel engaged in such programs.

"Political Subdivision" means any county, city, village, or incorporated town or township if the township is in a county having a population of more than 2,000,000. [20 ILCS 3305/4]

"Principal Executive Officer (PEO)" means chairman of the county board in the county, supervisor of any township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established pursuant to Section 7 of the Emergency Interim Executive Succession Act. [20 ILCS 3305/4]

"Statement of Work (SOW)" means the document signed by the coordinator and submitted annually to the IEMA regional office by the ESDA that lists the organizational goals and identifies the planned activities and products for the year.

Section 1310.30 Eligibility for Political Subdivisions to Apply and Participate in the Emergency Management Assistance (EMA) Program

- a' Eligibility to Apply for the EMA Program shall be as follows:
- 1) All political subdivisions required by the IEMA Act to maintain an ESDA shall be eligible to submit an application for acceptance into the EMA Program;
 - 2) Municipalities currently receiving EMA funding may continue to submit an application for funding; and
 - 3) Municipalities not currently participating in the EMA Program and not required to maintain an ESDA shall not be eligible to apply for EMA funding.
- b) In order to participate in the EMA Program, the political subdivision shall:
- 1) Establish an ESDA by adopting an ESDA Ordinance;
 - 2) Appoint an ESDA coordinator and furnish a Notice of Appointment Card, notarized on the back, to the IEMA regional office;
 - 3) Comply with Title VI of the Civil Rights Act of 1964;
 - 4) Have a personnel policy containing merit principles consistent with the Office of Personnel Management (OPM) standards as they appear in 5 CFR 900, Subpart F, that covers all paid ESDA

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- administrative staff other than the coordinator;
- 5) Submit a Personnel Policy Certificate of Compliance, IEMA Form 100, signed by the principal executive officer or the ESDA coordinator, annually to the IEMA regional office; and
 - 6) Conduct an annual audit on the political subdivision pursuant to the "Single Audit Act of 1984" (31 USC 7501 through 7507).
- c) Furthermore, participating ESDAs in each eligible political subdivision shall:
- 1) Complete an Emergency Operations Plan (EOP) that complies with criteria outlined by FEMA in CPG 1-8 and CPG 1-8a and submit it to the IEMA regional office for approval;
 - 2) Provide an emergency management work effort by the paid ESDA administrative staff of at least 50 percent of the political subdivision's standard work week;
 - 3) Complete a Statement of Work (SOW) annually and submit it to the IEMA regional office for approval. The SOW shall include provisions to meet the following requirements:
 - A) Submit the SOW quarterly reports identifying activities and accomplishments to the IEMA regional office;
 - B) Update the EOP biennially and submit the revised EOP to the IEMA regional office for approval;
 - C) Submit a copy of the annual audit performed on the political subdivision to the IEMA regional office;
 - D) Submit or update the information in the Capability and Hazard Identification Program (CHIP) biennially or when requested by FEMA;
 - E) Conduct an annual exercise as scheduled in the multi-year exercise plan that involves the implementation of the political subdivision's EOP and submit documentation to the IEMA regional office on FEMA Form 95-16 within 15 days following the quarter in which the exercise was conducted; and
 - F) Attend emergency management training courses required by FEMA.

Section 1310.40 EMA Allocation Formula and Allocation Procedures

- a) The EMA Allocation Formula shall be as follows:
- 1) EMA funds are allocated annually by FEMA to the IEMA and shall be divided in accordance with CPG 1-3, Chapter 2, Sections 2-7.
 - 2) Two-thirds of the allocation is provided to local governments and is divided between eligible political subdivisions by using the following formula:
 - A) 10 percent Fixed Share: These funds shall be divided equally between the political subdivisions required by the IEMA Act to maintain an ESDA;
 - B) 40 percent Population Share: These funds shall be divided among all eligible political subdivisions applying for EMA

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on a per capita basis according to the most recent census as published by the Secretary of State's Office. Counties with municipalities participating in the EMA program shall have their population figures reduced by the population of those municipalities; and

- C) 50 percent Program Share: These funds shall be divided among each eligible political subdivision applying for EMA based on the percentage of total EMA funds utilized by the ESDA during the preceding Federal Fiscal Year.

EMA Allocation Procedures shall be as follows:

- 1) All political subdivisions required by the Illinois Emergency Management Agency Act to maintain an ESDA and those municipalities eligible for EMA funding in accordance with Section 1310.30(a)(2) of this Part shall be included in the initial allocation process.

- 2) Those counties not applying for the EMA program shall be allowed one-half of their initial allocation amount should they meet all participation requirements and make application prior to the current FFY's third quarter. The remaining one-half of the allocation is immediately reallocated to other EMA participants based on the EMA formula.

- 3) The EMA allocation amount for each EMA Program participant shall be based on the Federal EMA allocation to the State and determined annually by the EMA allocation formula. When the ESDA's allocation amount exceeds the ESDA's accepted EMA application amount, the EMA application amount will be used.

- 4) Any ESDA that has not satisfied all EMA requirements by the end of the fourth quarter (September 30), or has failed to amend their current year's SOW and receive approval for the amendment from the IEMA regional office by the end of the fourth quarter (September 30), will be denied the fourth quarter reimbursement.

- 5) Funds reallocated after the fourth quarter will result in a fifth payment reimbursed to all eligible ESDAs.

- 6) Any political subdivision that has not maintained eligibility for the entire year will not be eligible for a reallocation of the fifth payment.

Section 1310.50 EMA Program Participation Procedures

- a) EMA Application Submittal

- 1) The required forms for the annual EMA application will consist of:

- A) An original and one copy of the IEMA Form 200 with required attachments - FY____ (multi-year) EMA Application; and
- B) An original and one copy of FEMA Form 85-17, June 90, Emergency Management Assistance Staffing Pattern.

- 2) Additional forms as applicable will consist of:

- A) An original and one copy of the IEMA Form 100, Personnel

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Policy Certificate of Compliance;

- B) An original and one copy of the IEMA Form 400, Application for Reimbursement of Rent, Maintenance and/or Utility Services Charges; and

- C) An original and one copy of the IEMA Form 300, Personnel Action Request.

- 3) Timetable.

- A) The EMA application forms will be made available to all counties and current participating municipalities.

- B) The ESDA coordinator shall insure that completed application forms are received in the IEMA regional office by the close of business on the last working day in August..

- C) Following processing, the IEMA shall return a copy of the accepted forms to the ESDA by the last working day of September.

- b) Claim Submittals

- 1) General provisions.

- A) Claims for reimbursement shall be made on a quarterly basis and must be received by the IEMA regional office no later than 45 calendar days after the last day of the preceding quarter.

- B) A complete claim submittal consists of the following:

- i) An original and two copies of IEMA Form 234, Local Management Expenses and Payrolls Claimed for EMA Contributions;

- ii) An original and two copies of FEMA Form 85-21, Local Emergency Management Expenses Claim for EMA Contributions; and

- iii) A completed SOW quarterly report.

- C) The IEMA regional office reserves the right to request support documentation on claims where additional information is necessary to validate the eligibility of the claim.

- 2) Expenses allowed: Specific allowable expenses under the EMA Program are those which conform with the guidelines found in CPG 1-3, Ch. 2.

- 3) Expenses that require prior IEMA written approval include:

- A) The purchases of eligible administrative equipment with a unit acquisition cost in excess of \$1,000; and
- B) The initial approval for and changes to:
 - i) Rent;

- ii) Maintenance and janitorial services;

- iii) Utility costs (gas, water, heat, electricity); and
- iv) Reimbursement in lieu of rent, gas, water, heat and electricity.

- 4) Expenses that require prior FEMA written approval include:

- A) Automated data processing equipment;
- B) Emergency management related software; and
- C) Indirect costs.

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- 5) Each ESDA shall have a signed Grant Agreement on file prior to the processing of any claim for reimbursement.
- c) Denials and Removal from Eligibility
- 1) Quarterly claims may be denied for the following reasons:
- Failure to submit claim to the IEMA regional office within 45 calendar days after the end of the quarter for which funds are claimed;
 - Failure to correct or provide requested documentation to support the claim within ten working days after the request;
 - Failure to submit a completed SOW quarterly report with the EMA claim;
 - Failure to maintain a current approved Emergency Operations Plan (EOP);
 - Failure to submit or update the Capability and Hazard Identification Program (CHIP) information; and
 - Failure to maintain eligibility for Emergency Management Assistance funding in accordance with CPG 1-3 and Section 1310.30 of this Part.
- 2) Political subdivisions not required to maintain an ESDA shall be removed from eligibility for Emergency Management Assistance funding for any of the following reasons:
- Failure to meet eligibility standards in accordance with CPG 1-3 and Section 1310.30 of this Part at time of annual EMA submission;
 - Failure to submit an annual EMA application in accordance with Section 1310.50(a) of this Part; and
 - Failure to maintain eligibility or receive EMA funding for four consecutive quarters.

d) Appeals

- If an ESDA has reason to believe that a claim or part of a claim for reimbursement was incorrectly denied, they have a right to appeal.
- The ESDA coordinator may, within 45 days after notice of denial, appeal the denial in writing to the Chief, Division of Field Services, IEMA. The appeal must include the following:
 - Specific identification of the item or submission being appealed;
 - Narrative explanation from the ESDA for the appeal; and
 - Specific applicable statutory, Administrative Rule, and/or CPG references supporting the ESDA appeal.
- Upon receipt of an appeal, the Chief, Division of Field Services, IEMA, shall have 45 days to review the submission and advise the ESDA of the decision and rationale for the decision.
- If the ESDA believes the denial of an appeal was inappropriate, final written appeal may be made to the IEMA Director. The decision of the IEMA Director will be final.
- Appeals for fourth quarter claims must be settled by December 15 following the end of the Federal Fiscal Year.

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- Heading of the Part: Emergency Services And Disaster Agencies: Establishment, Accreditation, and Workers' Compensation
- Code Citation: 29 Ill. Adm. Code 1300
- Section Numbers: Proposed Action:

1300.10	Repeal
1300.20	Repeal
1300.30	Repeal
1300.40	Repeal
1300.50	Repeal
1300.60	Repeal
- Statutory Authority: Implementing Section 10 of the Illinois Emergency Management Agency Act and authorized by Section 5 of the Illinois Emergency Management Agency Act [20 ILCS 3305/10 and 5].
- A Complete Description of the Subjects and Issues Involved: By this notice, the Agency is proposing to repeal Part 1300 because the Agency has proposed a new Part 301 establishing more current standards for Emergency Services and Disaster Agencies, their accreditation, and their volunteers' workers' compensation coverage to replace the requirements listed in Part 1300.
- Will this proposed repealer replace an emergency rulemaking currently in effect? No
- Does this proposed repealer contain an automatic repeal date? No
- Does this proposed repealer contain incorporations by reference? No
- Are there any other proposed repealers pending on this Part? No
- Statement of Statewide Policy Objectives: This repealer will not affect units of local government because the comprehensive rule currently proposed by the Agency will address the issues included in the repealed Part 1300, such as workers' compensation and accreditation.
- Time, Place, and Manner in which interested persons may comment on this proposed repealer: Comments on this proposed repealer may be submitted in writing for a period of 45 days following publication of this notice to:

Jeanne Heaton
 Assistant Legal Counsel
 Illinois Emergency Management Agency
 110 East Adams Street
 Springfield, IL 62701

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed repealer will have no impact on small businesses or not for profit corporations. Small municipalities who have chosen to establish an ESDA will only be impacted to the extent they must familiarize themselves with the differences between the standards established under the proposed Agency Par 301 and the repealed Part 1300.

B) Reporting, bookkeeping or other procedures required for compliance:
N/A

C) Types of professional skills necessary for compliance: N/A

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Repealer begins on the next page:

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TITLE 29: EMERGENCY MANAGEMENT

CHAPTER I: EMERGENCY MANAGEMENT AGENCY

SUBCHAPTER c: ADMINISTRATION AND ORGANIZATION OF

PART 1300

EMERGENCY SERVICES AND DISASTER AGENCIES:

ESTABLISHMENT, ACCREDITATION, AND WORKERS' COMPENSATION (REPEALED)

Section

1300.10 Purpose

1300.20 Definitions

1300.30 Political Subdivisions Required to Establish and Maintain an Emergency Services and Disaster Agency

1300.40 Requirements for Accreditation of Emergency Services and Disaster Agencies

1300.50 Organization and Administration of Workers' Compensation Coverage

1300.60 Applicability/Eligibility for Workers' Compensation

AUTHORITY: Implementing Section 10 of the Illinois Emergency Management Agency Act, and authorized by Section 5 of the Illinois Emergency Management Agency Act [20 ILCS 3305/10 and 5].

SOURCE: Adopted at 18 Ill. Reg. 6386, effective April 19, 1994; repealed at 26 Ill. Reg. _____, effective _____.

Section 1300.10 Purpose

The purpose of this Part is to establish policy and procedures by which emergency services and disaster agencies may be established by political subdivisions and become accredited by the Illinois Emergency Management Agency thereby providing workers' compensation coverage or workers' occupational disease coverage for emergency services and disaster agency volunteers participating in approved disaster training exercises and actual disaster response and recovery operations.

Section 1300.20 Definitions

"Accreditation" means the certification granted by the Illinois Emergency Management Agency which serves as recognition that an emergency services and disaster agency has met the requirements to be eligible for requesting workers' compensation coverage pursuant to the IEMA Act.

"Accreditation period" begins on October 1 or on the date that requirements for accreditation are met and concludes on the following September 30.

"Accredited Emergency Services and Disaster Agency" means the

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emergency services and disaster agency of a political subdivision which has been certified by the Illinois Emergency Management Agency as having met the requirements to be eligible for requesting workers' compensation coverage pursuant to Section 1300.50 of this Part.

"Coordinator" means the staff assistant to the principal executive officer of a political subdivision with the duty of coordinating the emergency management programs of that political subdivision. [20 ILCS 3305/4]

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military of paramilitary action. [20 ILCS 3305/4]

"Disaster Training Exercise" means a planned event designed specifically to simulate an actual disaster that will provide emergency operations training for emergency response personnel. Actual response by emergency services and disaster agency volunteers to local emergency situations not qualifying as disasters, as defined in this Section, is considered a disaster training exercise; provided, however, that performance of the usual and customary emergency functions of a political subdivision (e.g., police, fire or emergency medical services) is not included within this definition of a disaster training exercise. [20 ILCS 3305/4]

"Emergency management" means the efforts of the State and the political subdivisions to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation, preparedness, response and recovery. [20 ILCS 3305/4]

"Emergency Operations Plan (EOP)" means the written plan of the State and political subdivisions describing the organization, mission and functions of the government and supporting services for responding to and recovering from disasters. [20 ILCS 3305/4]

"Emergency Services and Disaster Agency (ESDA)" means the agency established by ordinance within a political subdivision to coordinate the emergency management program within that political subdivision and with private organizations, other political subdivisions, the State and federal governments. [20 ILCS 3305/4]

"ESDA Ordinance" means an ordinance adopted by the governing body of

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the political subdivision authorizing the establishment of an ESDA which provides for the implementation of an emergency management program consistent with the Illinois Emergency Management Agency Act.

"ESDA Personnel Oath" means the written oath taken by each person, whether compensated or non-compensated, who is appointed to serve in any capacity for an ESDA.

"IEMA" means the Illinois Emergency Management Agency.

"IEMA Director's authorized representative" means the IEMA Deputy Director, Duty Officer, or IEMA Regional Coordinator.

"IEMA Region" means any of the substate regions designed to improve administrative and operation control of the IEMA effort.

"Liaison Officer" means the individual, in a municipality not required to have and that has not established an ESDA, who is designated to facilitate the cooperation and protection of a municipal corporation with the ESDA in the county in which it is located.

"Municipal ESDA List" means the list published and maintained by the IEMA of those municipalities required to establish and maintain an ESDA as provided for at Section 10(d) of the Illinois Emergency Management Agency Act.

"Notice of Appointment" means the card submitted to the IEMA which includes the notification of appointment of the ESDA coordinator by the principal executive officer of the political subdivision and the notarized oath of appointment of the coordinator.

"Political Subdivision" means any county, city, village, or incorporated town or township if the township is in a county having a population of more than 2,000,000. [20 ILCS 3305/4]

"Principal Executive Officer" means chairman of the county board, supervisor of a township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established under Section 7 of the Emergency Interim Executive Succession Act. [20 ILCS 3305/4]

"Statement of Work (SOW)" means the document signed by the coordinator and submitted annually to the IEMA regional office by the ESDA which lists the organizational goals and identifies the planned activities and products for the year.

"Volunteer" means a non-compensated person appointed to serve with the

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IEMA or an ESDA to perform emergency management or emergency services functions consistent with the IEMA Act and the political subdivision's ESDA ordinance.

Section 1300.30 Political Subdivisions Required to Establish and Maintain an Emergency Services and Disaster Agency (ESDA)

- a) Each county shall maintain an ESDA that has jurisdiction over and serves the entire county except that county ESDAs shall not have jurisdiction in municipalities with established ESDAs of their own.
- b) Each municipality with a population over 500,000 shall maintain an ESDA.
- c) Each municipality determined by the Governor on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration whose name appears on the Municipal ESDA List shall maintain an ESDA. Municipalities required to establish and maintain an ESDA pursuant to the Municipal ESDA List are: None.
- d) Each municipality that does not maintain an ESDA shall have a liaison officer designated to facilitate cooperation with the ESDA in the county in which the municipality is located.

Section 1300.40 Requirements for Accreditation of Emergency Services and Disaster Agencies

- a) Political Subdivisions required by the IEMA Act to maintain an ESDA must meet the following requirements in order to have an accredited ESDA:
 - 1) Adopt an ESDA ordinance;
 - 2) Appoint an ESDA coordinator and furnish a Notice of Appointment card, notarized on the back, to the IEMA regional office;
 - 3) Complete an emergency operations plan (EOP) and submit it to the IEMA regional office for approval and update the EOP biennially; and
 - 4) Complete a Statement of Work annually and submit it to the IEMA regional office for approval.
- b) Accreditation will be issued for a fixed period with a termination date. Accreditation will be renewed for each accreditation period if the accreditation requirements continue to be met. An Accreditation Certificate will be issued to each accredited ESDA for the accreditation period.
- c) Based on the recommendation of the Chief, Division of Field Services or the IEMA regional coordinator, accreditation of a political subdivision will be terminated by the IEMA Director in the following manner:
 - 1) The IEMA Director will inform the principal executive officer of the political subdivision of the deficiency in writing based on the failure to meet or maintain the requirements for

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- accreditation.
- 2) The political subdivision will have 30 days during which the deficiency may be remedied.
- 3) After the 30-day period, the political subdivision's compliance with accreditation requirements will be reviewed. If the deficiency still exists, accreditation will be terminated.
- 4) The principal executive officer will be notified of the final action in writing.
- d) After an ESDA's submittal of the required documents for annual renewal of accreditation, the ESDA's accreditation will continue unless notified to the contrary by the IEMA Director as set forth in subsections (c)(1) through (c)(4) above.

Section 1300.50 Organization and Administration of Workers' Compensation Coverage**a) Workers' Compensation Coverage Requests**

- 1) ESDA volunteers responding to a disaster as defined in Section 1300.20 will be covered under the provisions of Section 10(k) of the Illinois Emergency Management Agency Act provided that:
 - A) the IEMA is notified at the time of the response; and
 - B) the IEMA Workers' Compensation Coverage form is submitted so that it is received by the IEMA regional office within ten (10) calendar days after the response.
 - 2) ESDA volunteers participating in a disaster training exercise as defined in Section 1300.20 will be covered under the provisions of Section 10(k) of the Illinois Emergency Management Agency Act provided that:
 - A) If the disaster training exercise is a planned event designed specifically to simulate an actual disaster, the IEMA Workers' Compensation Coverage form is received by the IEMA regional office at least five (5) calendar days in advance of the event.
 - B) If the disaster training exercise is an actual response to a local emergency situation:
 - i) the IEMA regional office is notified at the time of response; and
 - ii) the IEMA Workers' Compensation Coverage form is submitted so that it is received by the IEMA regional office within ten (10) calendar days after the response.
- b) General Provisions for Workers' Compensation Coverage Requests for Scheduled Disaster Training Exercises
- 1) Requests shall be made for specific dates only.
 - 2) Requests must not be submitted more than 30 days prior to the date of the scheduled exercise.
 - 3) The IEMA Director or the Director's authorized representative will notify the ESDA of workers' compensation coverage in advance

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of each scheduled disaster training exercise.

- c) Claims for Workers' Compensation
- 1) All claims for workers' compensation under the Illinois Emergency Management Agency Act must be submitted to the IEMA regional office. The following forms must be submitted:
 - A) A copy of the approved IEMA Workers' Compensation Coverage form;
 - B) A copy of claimant's signed oath;
 - C) Employer's First Report of Injury or Illness;
 - D) Workers' Compensation Employee's Notice of Injury;
 - E) Workers' Compensation Witness Report;
 - F) Workers' Compensation Medical Report;
 - G) Supervisor's Report of Accident; and
 - H) Information Release Authorization.
 - 2) Claims will be processed in accordance with the Workers' Compensation Act.

Section 1300.60 Applicability/Eligibility for Workers' Compensation

- a) General Requirements for Coverage
- 1) Claimant must be a duly sworn ESDA volunteer as provided at Section 20 of the Illinois Emergency Management Agency Act.
 - 2) The ESDA, of which claimant is a volunteer, must be accredited by the IEMA as provided in this Part.
 - 3) The ESDA, of which claimant is a volunteer, must comply with Section 1300.50 of this Part.
- b) ESDA volunteers, on call at home or work, who qualify for workers' compensation coverage under subsection (a) of this Section, are deemed to have portal to portal coverage when they are summoned by their ESDA coordinator or designee to respond to a disaster or a disaster training exercise.

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Local Emergency Operations Plans
- 2) Code Citation: 29 Ill. Adm. Code 205
- 3) Section Numbers:

205.10	Repeal
205.20	Repeal
205.30	Repeal
205.40	Repeal
- 4) Statutory Authority: Implementing Sections 5 and 10 and authorized by Section 5(f)(4) of the Illinois Emergency Management Agency Act [20 ILCS 3305].
- 5) A Complete Description of the Subjects and Issues Involved: By this notice, the Agency is proposing to repeal Part 205 because the Agency has proposed new rules (proposed Part 301) providing more comprehensive and current standards for Emergency Operations Plans (EOPs) to replace the requirements listed in Part 205.
- 6) Will this proposed repealer replace an emergency rule currently in effect?
No
- 7) Does this proposed repealer contain an automatic repeal date? No
- 8) Does this proposed repealer contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This repealer will not affect units of local government because new EOP requirements based on federal guidance for emergency planning are currently proposed by the Agency to replace Part 205 rules. Local government units will continue to be required to do the same type of emergency operations planning under the new proposed rules as they did under Part 205.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed repealer: Comments on this proposed repealer may be submitted in writing for a period of 45 days following publication of this notice to:

Jeanne Heaton
Assistant Legal Counsel
Illinois Emergency Management Agency
110 East Adams Street
Springfield IL 62701
- 12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed repealer will have no impact on small businesses or not for profit corporations. Small municipalities who have chosen to establish an ESDA will only be impacted to the extent they must familiarize themselves with the differences between the EOP standards established under the proposed Agency rule and the repealed Part 205.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
CHAPTER I: EMERGENCY SERVICES AND DISASTER AGENCY
SUBCHAPTER b: STATE AND LOCAL DISASTER PLANS

PART 205

LOCAL EMERGENCY OPERATIONS PLANS (REPEALED)

Section	Purpose
205.10	Definitions
205.20	General Provisions
205.30	Minimum Requirements
205.40	

AUTHORITY: Implementing Sections 5 and 10 and authorized by Section 5(f)(4) of the Illinois Emergency Management Agency Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1055(f)(4) and 1060).

SOURCE: Adopted and codified at 8 Ill. Reg. 11347; effective June 26, 1984; amended at 16 Ill. Reg. 16394, effective October 1, 1992; repealed at 26 Ill. Reg. _____, effective _____.

Section 205.10 Purpose

The purpose of this Part is to establish requirements for local emergency operations plans.

Section 205.20 Definitions

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, or hostile military or paramilitary action. (Ill. Rev. Stat. 1991, ch. 127, par. 1054).

"Emergency Operations Plan" means the written plan of the State and political subdivisions describing the organization, mission, and functions of the government and supporting services for responding to and recovering from disasters.

"ESDA" means the emergency services and disaster agency of a political subdivision.

"ESDA Ordinance" means an ordinance consistent with the Illinois Emergency Management Act, passed by the governing body of the

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political subdivision, establishing the ESDA.

"IEMA" means the Illinois Emergency Management Agency.

"IEMA Regional Coordinator (RC)" means the employee of IEMA with the responsibility for coordinating emergency management activities in a specific substate region.

"Political Subdivision" means any county, city, village, or incorporated town or township if the township is in a county having a population of more than 2,000,000 (Ill. Rev. Stat. 1991, ch. 127, par. 1054).

"Principal Executive Officer means chairman of the county board supervisor of a township if the township is in a county having a population of more than 2,000,000, mayor of a city or incorporated town, president of a village, or in their absence or disability, the interim successor as established under Section 7 of the Emergency Interim Executive Succession Act (Ill. Rev. Stat. 1991, ch. 127, par. 1054).

Section 205.30 General Provisions

- a) The IEMA will determine compliance during a review conducted at the IEMA Central Office under Ill. Rev. Stat. 1991, ch. 127, par. 1055 (f)(5). The plan will be mailed or otherwise delivered to IEMA. The Local ESDA Coordinator is not required to attend this review.
- b) Local emergency operations plans must be updated biennially. Ill. Rev. Stat. 1991, ch. 127, par. 1060 (g) requires a local ESDA to prepare and keep current an emergency operations plan. That plan will be considered current if it is updated every two years.
- c) Each local emergency operations plan must be exercised in a planned event that simulates a disaster as defined in Ill. Rev. Stat. 1991, ch. 127, par. 1054.
- d) Each local plan and each plan update must be submitted to the IEMA Division of Planning and Analysis for technical review based on requirements set forth in Section 205.40. The plan and the update shall be signed and dated by the principal executive officer of the political subdivision and the ESDA coordinator not more than 30 days prior to submission to the IEMA. After this review, the plan will be forwarded to the RC, along with any comments for additional review and approval or disapproval. This copy of the plan and the update will be retained in the office of the RC.
- e) The RC will approve the plan if all the elements listed in Section 205.40 are contained within the plan.
- f) The RC will inform the political subdivision in writing of the approval or disapproval of the emergency operations plan and the update of the plan. Notice of approval or disapproval will be

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provided within 60 days unless an actual emergency has occurred and is currently occupying the RC.

- g) If the plan is disapproved, a written list of deficiencies and suggested means of remediation will be provided to the ESDA Coordinator. The jurisdiction will have 90 days after receipt of the disapproval to remediate the plan and resubmit it. The RC will arrange for technical assistance in remediating the plan.

Section 205.40 Minimum Requirements

- a) Local jurisdictions that are required by statute to maintain an ESDA or choose to participate in federal funding programs must develop and maintain an emergency operations plan that conforms to the current standards for plans as promulgated by the Federal Emergency Management Agency (FEMA), Washington D.C. 20472 (September 1988) in the publication the Civil Preparedness Guide (CPG) 1-8A "Guide for the Review of State and Local Emergency Operations Plans". These guidelines do not include any later amendment or editions.
- b) The jurisdiction will complete the crosswalk in CPG 1-8A or a comparable federally-approved State document and submit it with the plan and update.
- c) IEMA will approve the plan provided that the criteria in CPG 1-8A, its replacement, or a comparable State publication are met.
- d) For those jurisdictions not required by statute to have an ESDA but elect to do so, the following minimum plan standards must be included:
 - 1) A dated letter of approval signed by the jurisdiction's Principal Executive Officer.
 - 2) A statement of the jurisdiction's authority to write the plan (the local ESDA ordinance, the Illinois Emergency Management Act).
 - 3) Provisions for activation and implementation of the plan (who is responsible and under what circumstances).
 - 4) Procedures for requesting county, State and federal assistance.
 - 5) Provisions for continuity of government and line of succession by position (if not in ordinance).
 - 6) Provisions for updating the plan.
 - 7) Provisions for exercising the plan.
 - 8) Map of jurisdiction.
 - 9) Organization chart (day-to-day and emergency basis).
 - 10) The jurisdiction's point of contact for emergency services and personnel directory listing key officials having disaster response roles as identified by the principal executive officer. This list or key local officials shall be current as of each update.
 - 11) The means of notifying the jurisdiction's emergency response organizations.
 - 12) Responsibilities of disaster response organizations, including

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- those volunteer and private organizations that agree to assist.
- 13) Listing of resources.
 - 14) Listing of agreements, including but not limited to mutual aid agreements and memoranda of understanding between the municipality and its county government.
 - e) Each local plan and each plan update developed under Section 205.40 (d) must be submitted to the RC for approval based on requirements set forth in that Section. The plan and the update shall be signed and dated by the Principal Executive Officer of the political subdivision and the ESDA Coordinator not more than 60 days prior to submission to the RC. The RC will approve the plan if all the elements listed in Section 205.40 (d) are contained in the plan. This copy of the plan and update will be forwarded to the appropriate County ESDA for retention.

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- 1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance
- 2) Code Citation: 50 Ill. Adm. Code 2008
- 3) Section Numbers: 2008.70
2008.75
Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].
- 5) A Complete Description of the Subjects and Issues Involved: The NAIC has amended the model regulation for Medicare Supplement contracts in order to comply with current federal regulations. They have added wording to the regulation regarding time periods for guaranteed issued products when an individual is experiencing termination of his contract. The new wording offers protections for consumers as to the guaranteed issue period for beneficiaries losing their coverage due to such terminations.

In addition, changes have been made so that if coverage is terminated, subsequent enrollment with another plan or program shall be deemed to be the initial enrollment.

The NAIC has changed their model regulation which incorporates the necessary federal standards. At the urging of the NAIC, the Department is making these amendments to our regulation. These changes must be made in order for Illinois to be in compliance with federal standards. If these changes are not made, Illinois faces loss of certification of regulatory authority over Medicare Supplement policies.

- 6) Will these proposed amendments replace any emergency amendments currently in effect? No
- 7) Do these amendments contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

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Eve Blackwell-Lewis
Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 524-1634

Susan Anders
Paralegal
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-8220

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Department did not anticipate the need to make these regulatory changes within the last 12 months.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE
PART 2008
MINIMUM STANDARDS FOR INDIVIDUAL
AND GROUP MEDICARE SUPPLEMENT INSURANCE

Section	
2008.10	Authority
2008.20	Purpose
2008.30	Applicability and Scope
2008.40	Definitions
2008.45	Creditable Coverage
2008.50	Policy Definitions and Terms
2008.60	Policy Provisions
2008.61	Benefit Conversion Requirements During Transition (Repealed)
2008.70	Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to the Effective Date of this Part
2008.71	Benefit Standards for Policies or Certificates Issued or Delivered on or After the Effective Date of this Part
2008.72	Standard Medicare Supplement Benefit Plans
2008.73	Medicare Select Policies and Certificates
2008.74	Open Enrollment
2008.75	Guaranteed Issue for Eligible Persons
2008.76	Standards for Claims Payment
2008.80	Loss Ratio Standards and Refund or Credit of Premium
2008.81	Filing and Approval of Policies and Certificates and Premium Rates
2008.82	Permitted Compensation Arrangements
2008.90	Required Disclosure Provisions
2008.91	Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare
2008.100	Requirements for Application Forms and Replacement Coverage
2008.101	Standards for Marketing
2008.102	Appropriateness of Recommended Purchase and Excessive Insurance
2008.103	Reporting of Multiple Policies
2008.104	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
2008.110	Severability
2008.120	Effective Date (Repealed)
APPENDIX A	Policy Checklist
APPENDIX B	Outline of Medicare Supplement Coverage-Cover Page
APPENDIX C	Plan A
APPENDIX D	Plan B
APPENDIX E	Plan C

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APPENDIX F	Plan D
APPENDIX G	Plan E
APPENDIX H	Plan F or High Deductible Plan F**
APPENDIX I	Plan G
APPENDIX J	Plan H
APPENDIX K	Plan I
APPENDIX L	Plan J or High Deductible Plan J**
APPENDIX M	Notice to Applicant Regarding Replacement of Accident and Sickness Insurance
APPENDIX N	Medicare Supplement Refund Calculation Format
APPENDIX O	Notice of Medicare Changes
APPENDIX P	Medicare Supplement Policies Report
APPENDIX Q	Disclosure Statements

AUTHORITY: Implementing Sections 363 and 363a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/363, 363a and 401].

SOURCE: Adopted at 6 Ill. Reg. 7115, effective June 1, 1982 and January 1, 1983; codified at 7 Ill. Reg. 3474; emergency amendment at 13 Ill. Reg. 586, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8520, effective May 23, 1989; amended at 14 Ill. Reg. 19243, effective November 27, 1990; amended at 16 Ill. Reg. 2766, effective February 11, 1992; corrected at 16 Ill. Reg. 3590; amended at 16 Ill. Reg. 15452, effective September 29, 1992; emergency amendment at 16 Ill. Reg. 19226, effective December 1, 1992, for a maximum of 150 days; emergency expired April 29, 1993; amended at 17 Ill. Reg. 11469, effective July 9, 1993; amended at 20 Ill. Reg. 6393, effective April 28, 1996; amended at 23 Ill. Reg. 3704, effective March 10, 1999; amended at 23 Ill. Reg. 14700, effective January 1, 2000; amended at 24 Ill. Reg. 19151, effective January 1, 2001; amended at 25 Ill. Reg. 7886, effective June 18, 2001; amended at 26 Ill. Reg. _____, effective _____.

Section 2008.70 Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to the Effective Date of this Part

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this State prior to June 1, 1982. No policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

a) General Standards.

The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this Part.

- 1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than ~~six~~-t 6 months from

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- the effective date of coverage because the losses involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than as a condition for which medical advice was given or treatment was recommended by or received from a physician within ~~six~~-t 6 months before the effective date of coverage.
- 2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.
 - 3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with an, changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.
 - 4) A "nonguaranteed renewable," "guaranteed renewable," or "nonguaranteed and guaranteed renewable" Medicare supplement policy shall not:
 - A) Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium, or
 - B) Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health.
 - 5) An insurer shall:
 - A). Except as authorized by the Director of Insurance for this State, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.
 - B) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in subsection (a)(5)(D) below, the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:
 - i) an individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and
 - ii) an individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in Section 2008.71(b) of this Part.
 - C) If a membership in a group is terminated, the issuer shall:
 - i) offer the certificateholder such conversion opportunities as are described in subsection (a)(5)(B) above; or
 - ii) at the option of the group policyholder, offer the

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certificateholder continuation of coverage under the group policy.

D) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits.

b) Minimum Benefit Standards.

1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety-percent-~~of~~ 90% of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

5) Coverage under Medicare Part A for the reasonable cost of the first ~~three-~~ 3¹/₂ pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

6) Coverage for the coinsurance amount or, in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [~~(\$100)~~];

7) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the ~~first--three--~~ 3¹/₂ pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) (42 CFR 409.87(a) 1988, no subsequent dates or editions) unless replaced in accordance with federal regulations (42 CFR 409.87(b) 1988, no subsequent dates or

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editions) or already paid for under Part A, subject to the Medicare deductible amount.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 2008.75 Guaranteed Issue for Eligible Persons

Pursuant to Section 1851(g) of the Federal Social Security Act (P.L. 105-33) all Medicare supplement insurance policies shall be guaranteed issue to eligible persons who meet the requirements of this Section effective July 1, 1998.

a) Guaranteed Issue

1) Eligible persons are those individuals described in subsection (b) of this Section who seek to enroll under the policy during the period specified in subsection (c), ~~subject to subsection (b)(2)(B) of this Section, apply to enroll under the policy not later than 63 days after the date of the termination of enrollment described in subsection (b) of this Section, and who submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.~~

2) With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate described in subsection (e) of this Section that is offered and is available for issuance to new enrollees by the issuer; shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition; and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

b) Eligible person is an individual described in any of the following subsections:

1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual or the individual is enrolled under an employee welfare benefit plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual because the individual leaves the plan;

2) The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described in subsections (b)(2), (3), (4), (5) and (6) of this Section that would permit discontinuance of the individual's

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enrollment with such provider if such individual were enrolled in a Medicare-Choice plan:

- A) The certification of the organization or plan under this Part has been terminated or the organization or plan has notified the individual of an impending termination of such certification; or
 - B) The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides or has notified the individual of an impending termination or discontinuance of such plan;
 - C) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section 1856), or the plan is terminated for all individuals within a residence area;
 - D) The individual demonstrates, in accordance with guidelines established by the Secretary, that:
 - i) The organization offering the plan substantially violated a material provision of the organization's contract in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or
 - ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or
 - E) The individual meets such other exceptional conditions as the Secretary may provide;
- P) An individual:
- it) identified in subsection (a) of this Section may elect to apply subsection (a) of this Section by substituting for the date of termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan; it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification;
 - it) in the case of an individual making the election in

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subsection (b)(2)(F)(i) of this Section, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subsection (a) of this Section shall only become effective upon termination of coverage under the Medicare+Choice plan involved.

- 3) The individual's enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under subsection (b)(2) of this Section and they enrolled under:
 - A) An eligible organization under a contract under Section 1876 of the Social Security Act (Medicare risk or cost);
 - B) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;
 - C) An organization under an agreement under Section 1833(a)(1)(A) of the Social Security Act (health care prepayment plan); or
 - D) An organization under a Medicare Select policy;
- 4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:
 - A) Of the insolvency of the issuer or bankruptcy of the nonissuer organization;
 - B) Of other involuntary termination of coverage or enrollment under the policy;
 - C) The issuer of the policy substantially violated a material provision of the policy; or
 - D) The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;
- 5) The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, any eligible organization under a contract under Section 1876 of the Social Security Act (Medicare risk or cost), any similar organization operating under demonstration project authority, any PACE provider program under Section 1894 of the Social Security Act, an organization under an agreement under Section 1833(f)(1)(A) (health care prepayment plan) or a Medicare Select policy; and the subsequent enrollment is voluntarily or involuntarily terminated during any period within the first 12 months of such subsequent enrollment; or
- 6) The individual, upon first enrolling under Part B of Medicare at age 65 or older, enrolls in a Medicare+Choice plan under Part C of Medicare or with a PACE provider program under Section 1894 of the Social Security Act, and voluntarily or involuntarily disenrolls from the plan or program by not later than 12 months

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after the effective date of enrollment.

c.) Guaranteed Issue Time Periods

- 1) In the case of an individual described in subsection (b)(1) of this Section, the guaranteed issue period begins on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or cessation) and ends 63 days after the date of the applicable notice;
 - 2) In the case of an individual described in subsection (b)(2), (b)(3), (b)(5) or (b)(6) of this Section whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends 63 days after the date the applicable coverage is terminated;
 - 3) In the case of an individual described in subsection (b)(4)(A) of this Section, the guaranteed issue period begins on the earlier of:
 - A) the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice if any, and
 - B) the date that the applicable coverage is terminated,and ends on the date that is 63 days after the date the coverage is terminated;
 - 4) In the case of an individual described in subsection (b)(2), (b)(4)(B), (b)(4)(C), (b)(5) or (b)(6) of this Section who disenrolls voluntarily, the guaranteed issue period begins on the date that is 60 days before the effective date of the disenrollment and ends on the date that is 63 days after the effective date; and
 - 5) In the case an individual described in subsection (b) of this Section but not described in the preceding provisions of this subsection (c), the guaranteed issue period begins on the effective date of the disenrollment and ends on the date that is 63 days after the effective date.
- d.) Extended Medigap Access for Interrupted Trial Periods
- 1) In the case of an individual described in subsection (b)(5) of this Section whose enrollment with an organization or provider described in subsection (b)(5) of this Section is involuntarily terminated within the first 12 months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be initial enrollment described in subsection (b)(5) of this Section;
 - 2) In the case of an individual described in subsection (b)(6) of this Section whose enrollment with a plan or in a program described in subsection (b)(6) of this Section is involuntarily terminated within the first 12 months of enrollment, and who,

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without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in subsection (b)(6) of this Section; and

- 3) For purposes of subsections (b)(5) and (b)(6) of this Section, no enrollment of an individual with an organization or provider described in subsection (b)(5)(A) of this Section, or with a plan or in a program described in subsection (b)(6) of this Section, may be deemed to be an initial enrollment after the two-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

e.) Products to Which Eligible Persons are Entitled

The Medicare supplement policy to which eligible persons are entitled under:

- 1) Subsection (b)(1), (2), (3), and (4) of this Section is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, or F offered by any issuer.
 - 2) Subsection (b)(5) of this Section is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not available, a policy described in subsection (e)(f)(1) of this Section.
 - 3) Subsection (b)(6) of this Section shall include any Medicare supplement policy offered by any issuer.
- f.) Notification Provisions
- 1) At the time of an event described in subsection (b) of this Section, because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under subsection (a) of this Section. Such notice shall be communicated contemporaneously with the notification of termination.
 - 2) At the time of an event described in subsection (b) of this Section, because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this Section, and of the obligations of issuers of Medicare supplement policies under subsection (a) of this Section. Such notice shall be communicated within 10 working days after the issuer receives notification of disenrollment.

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Open Land Trust Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3050
- 3) Section Numbers: Proposed Action:
3050.40 Amendment
3050.50 Amendment
- 4) Statutory Authority: Implementing and authorized by the Open Land Trust Act [525 ILCS 33]
- 5) A Complete Description of the Subjects and Issues Involved: The rules currently accommodate a competitive proposal review of projects to be funded with Open Land Trust Grant Program funds. Not all projects are funded. The General Assembly has identified Open Land Trust Grant Program projects for funding and appropriated funds for those projects. This rule will enable implementation of these projects. These amendments provide regulatory authority to fund up to 90% of General Assembly initiatives from OLT and exempt those initiatives from the rules/application schedule requirements.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not directly affect units of local government; however, it may broaden eligibility for a grant program generated by the State.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:
- Stanley Yonkauskis, Jr.
Department of Natural Resources
524 S. Second Street
Springfield IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit

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corporations affected: Agencies eligible for assistance under the Open Land Trust Grant Program are any unit of local government with statutory authority to acquire, develop and maintain lands for public outdoor natural resource related recreation purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts, forest preserve districts and river conservancy districts.

B) Reporting, bookkeeping or other procedures required for compliance: There is an application process for awards and grant recipients are required to substantiate expenditures of funds; however, there are no unique requirements for this program.

C) Types of professional skills necessary for compliance: Requires some expertise in land acquisition and land management, expertise likely present in all eligible units of government.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The Department did not anticipate the necessity of filing this rulemaking at the time the regulatory agenda was summarized.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER 9: GRANTS

PART 3050
OPEN LAND TRUST GRANT PROGRAM

Section
3050.10 Program Objectives
3050.20 Definitions
3050.30 Eligibility Requirements
3050.40 Assistance Formula for Grants
3050.50 General Procedures for Grant Applications and Awards
3050.60 Eligible Project Costs
3050.70 Project Evaluation Priorities
3050.80 Program Compliance Requirements
3050.90 Program Information/Contact

AUTHORITY: Implementing and authorized by the Open Land Trust Act [525 ILCS 33].

SOURCE: Adopted at 24 Ill. Reg. 3600, effective February 17, 2000; amended at 26 Ill. Reg. _____, effective _____.

Section 3050.40 Assistance Formula for Grants

The OLT program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Disadvantaged populations are eligible for up to a maximum of 90% funding assistance on total approved project costs. Projects that are the subject of a specific appropriation are eligible for up to a maximum of 90% funding assistance on total approved project costs. No more than \$2,000,000, may be awarded to any grantee for a single project for any fiscal year.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 3050.50 General Procedures for Grant Applications and Awards

- a) Grant applications for assistance under this program must be submitted in accordance with a schedule publicly announced annually by the Department. Failure to submit a completed application to the Department by the specified application deadline date will result in project rejection for that particular year. Projects that are the subject of a specific appropriation shall not be subject to the schedule announced pursuant to this Section; however, all other eligibility and application requirements must be fulfilled.
- b) Necessary application material and instructions are available through

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the Department. Awarding of grants will be on a competitive basis (see Section 3050.70) and will be made under authority of the Director of the Department of Natural Resources.

c) Project grant applications will consist of the following components:

- 1) applicant's name, address and telephone number;
- 2) information on the supply of existing public park and open space acreage located within the project sponsor's (applicant) jurisdiction;
- 3) an itemized proposed project cost estimate;
- 4) project narrative statement describing the project concept, location, need for and objectives of the project, anticipated benefits, proposed usages and method of financing or accomplishing the project;
- 5) project location map, site plat map and proposed site development and/or restoration plans;
- 6) project environmental evaluation;
- 7) a document signed by the applicant verifying the applicant has the resources to initially finance and subsequently manage the project area and will comply with program regulations; and
- 8) a commitment for title insurance in the name of the project sponsor for the property planned for acquisition or other Department approved means of title search.

d) A program information packet may be obtained from the Division of Grant Administration, Illinois Department of Natural Resources, 524 S. Second Street, Springfield IL 62701-1787, telephone 217/782-7481.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography

2) Code Citation: 32 Ill. Adm. Code 405

<u>Section Number:</u>	<u>Proposed Action:</u>
405.20	Amendment
405.30	Amendment
405.40	Amendment
405.50	Amendment
405.60	Amendment
405.70	Amendment
405.80	Amendment
405.90	Amendment
405.100	Amendment
405.110	Amendment
405.120	Amendment
405.130	Amendment
405.140	Amendment
405.150	Amendment

APPENDIX A

4) Statutory Authority: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to: (1) delete provisions regarding Provisionally Certified Industrial Radiographers since this class no longer exists; (2) accept certification exams deemed to be equivalent to existing examinations; (3) recognize the American Society for Non-Destructive Testing (ASNT) as an independent certifying organization for x-ray and combined x-ray and radioactive material; and (4) amend the suspension and revocation of certification and civil penalty Sections of the rule.

6) Will these proposed amendments replace an emergency amendment currently in effect? Yes

7) Do these rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF NUCLEAR SAFETY
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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 405
CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

Section	Purpose and Scope
405.10	Definitions
405.20	Application for Certification
405.30	Categories of Certification
405.40	Examination Requirements
405.50	Examinations
405.60	Approved Training Program
405.70	Experience Requirements for Certification
405.80	Requirements for Issuance of Certification
405.90	Duration of Certification
405.100	Fees
405.110	Reciprocity
405.120	Requirements for Renewal of Certification
405.130	Suspension and Revocation of Certification
405.140	Civil Penalties
405.150	Minimum Training Requirements for Industrial Radiography

APPENDIX A Minimum Training Requirements for Industrial Radiography
Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. 10721, effective June 23, 1994; amended at 20 Ill. Reg. 12602, effective September 6, 1996; emergency amendment at 25 Ill. Reg. _____, effective October 30, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. _____, effective _____.

Section 405.20 Definitions

As used in this Part, the following definitions shall apply:

"Act" means the Radiation Protection Act of 1990 (~~420 ILCS 40/~~ 1991~~7-11-1/27-par-216-1-et-seq-7~~) [420 ILCS 40].

"Approved Training Program" means a program that the Department has determined is adequate to prepare individuals to meet the training requirements prescribed in Section 405. Appendix A of this Part.

"Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure which, independent of existing architectural structures except the floor on which it may be placed, is intended to

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Louise Michels
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: This change will have a positive impact and will allow more options for industrial radiographers and their employers to obtain training and certification.

B) Reporting, bookkeeping or other procedures required for compliance: No reporting, bookkeeping, or other procedures would be required for compliance.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2001

The full text of the Proposed Amendments begins on the next page:

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contain at least that portion of a material being irradiated, provide radiation attenuation and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, bus terminals and similar facilities. An x-ray tube used within a shielded part of a building or x-ray equipment that may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

"Certification" means the authorization by the Illinois Department of Nuclear Safety of an individual to perform industrial radiography in Illinois.

"Certified Industrial Radiographer" means an individual who has met prescribed training and experience requirements and has passed an approved examination and is authorized by the Department, pursuant to Section 405.90(a) of this Part, to perform industrial radiography.

"Certified Industrial Radiographer Trainee" means an individual who is authorized by the Department, pursuant to Section 405.90(b) of this Part, to be instructed in industrial radiography and who may perform industrial radiography while under the personal supervision of a Certified Industrial Radiographer or an approved Provisionally Certified Industrial Radiographer.

AGENCY NOTE: Instruction in industrial radiography for trainees certified by the Department includes on-the-job and field experience.

"Department" means the Illinois Department of Nuclear Safety.

"Director" means the Director of the Illinois Department of Nuclear Safety.

"Industrial Radiography" means the process used to perform the examination of the macroscopic structure of materials by non-destructive methods using radioactive materials or radiation machines. For purposes of this Part, industrial radiography does not include radiography performed with Lixiscopes or cabinet x-ray systems, nor does it include computed tomography or computer-based digital radiography in which the useful beam of radiation is collimated to detectors.

"Industrial Radiography - Radiation Machines" means the process of performing industrial radiography using radiation producing machines.

"Industrial Radiography - Radioactive Materials" means the process of performing industrial radiography using radioactive materials.

"Lixiscope" means a portable light-intensified imaging device using a

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sealed source.

"Personal supervision" means supervision provided by a Certified Industrial Radiographer or an approved Provisionally Certified Industrial Radiographer who is physically present at the immediate site where sources of radiation and associated equipment are being used, visually evaluating the performance of the Certified Industrial Radiographer Trainee and in such proximity that immediate assistance can be given if required.

"Provisionally Certified Industrial Radiographer" means an individual who was employed as an industrial radiographer prior to September 17, 1994, and who is authorized by the Department pursuant to Section 405.90(c) to perform industrial radiography.

"Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.30 Application for Certification

a) Any individual applying to the Department for certification to perform industrial radiography shall:

- 1) Submit a complete and legible application on a form prescribed by the Department;
- 2) Pay the appropriate non-refundable application fee in accordance with Section 405.110 of this Part;
- 3) Meet the examination requirements set forth in Section 405.50 of this Part or satisfy the requirements for certification based on reciprocity as set forth in Section 405.120 of this Part; and
- 4) Provide evidence that the requirements for the given category and class for which certification is sought have been met.

b) Any individual who seeks Provisional Certification as an industrial radiographer shall submit an application to the Department no later than September 17, 1994.

bc) The appropriate fee shall accompany the application when filing with the Department. An application shall be deemed filed on the date that it is received by the Department or on the date that it is postmarked by the United States Postal Service or equivalent.

cd) The Department shall refuse to issue or renew certification to any individual if the Department has evidence that the applicant is delinquent in the repayment of an educational loan guaranteed by the Illinois Student Assistance Commission, as set forth in 20 ILCS

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2005/2005-857+.

- de) The Department shall refuse to issue or renew certification to any individual, after an opportunity for a hearing, if the Department has evidence that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65. Further process, hearing, or redetermination of the delinquency or violation by the Department shall not be required if the refusal is based solely upon the certification of delinquency made by the Department of Public Aid or the certification of violation made by the court. The Department may issue or renew a license if the applicant has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Public Aid. In the case of frequent child support arrearages, the Department may also impose conditions, restrictions or disciplinary action upon the certification.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.40 Categories of Certification

- a) The Department shall certify individuals to perform industrial radiography in one or more of the following categories: or
- 1) Certified Industrial Radiographer; or
 - 2) ~~Provisionally-Certified-Industrial-Radiographer~~; or ~~3) Certified Industrial Radiographer Trainee.~~

- b) Each certification issued shall include a class endorsement for the type of industrial radiography authorized. Such class endorsements are limited to:

- 1) Radioactive Materials;
- 2) Radiation Machines; or
- 3) Radioactive Materials and Radiation Machines.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.50 Examination Requirements

- a) An individual who seeks certification as a Certified Industrial Radiographer shall must have passed, within 12 months prior to application for certification, a written examination appropriate to the category and class of certification sought in accordance with Section 405.60 of this Part. An individual seeking certification as a Certified-Industrial-Radiographer-after-September-17-1995-must-pass-within-12-months-prior-to-application-for-certification-a-written-examination-appropriate-to-the-category-and-class-of-certification-sought-in-accordance-with-Section-405.60-in-the-event-that-this-examination-is-not-passed-the-individual-seeking-certification-as-a

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~~Certified-Industrial-Radiographer-may-apply-during-this-12-month-period-for-re-examination-in-accordance-with-subsection-(d)-below.~~

- b) An individual who holds certification as a Certified Industrial Radiographer Trainee shall take the examination for Certified Industrial Radiographer as prescribed by Section 405.60 of this Part within 12 months after certification. ~~in-the-event-that-this-examination-is-not-passed-the-Certified-Industrial-Radiographer-trainee-may-apply-for-re-examination-in-accordance-with-subsection-(d)-below.~~

- c) ~~An individual who is a Provisionally-Certified-Industrial-Radiographer shall take the examination for Certified-Industrial-Radiographer-as-prescribed-by-Section-405.60-on-or-before-September-17-1995-in-the-event-that-this-examination-is-not-passed-the-Provisionally-Certified-Industrial-Radiographer-may-apply-for-re-examination-in-accordance-with-subsection-(d)-below.~~

~~AGENCY NOTE: In the event the provisionally-certified-industrial radiographer does not comply with application or testing requirements of subsection-(c)-above, certification-as-provisionally-certified industrial-Radiographer-shall-expire-on-September-17-1995.~~

- cd) Application for examination or re-examination shall be on forms prescribed by the Department and shall include the appropriate fee specified by Section 405.110 of this Part. Examination fees are shall be non-refundable.

~~AGENCY NOTE: In the event that an examination is not passed under subsection (a) or (b) of this Section, the applicant may apply for re-examination in accordance with subsection (c) of this Section.~~

- de) Examinees shall present photographic identification (e.g., drivers license) at the time of examination.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.60 Examinations

- a) The Department shall administer examinations in each class of industrial radiography as specified in Section 405.40(b) of this Part at such times and places as the Department determines necessary.

1) The examination shall be available through the Conference of Radiation Control Program Directors, Inc.

2) The ~~scored~~ passing score shall be 70 percent.

- 3) A candidate who fails an examination may apply for re-examination in accordance with Section 405.50 of this Part.

- b) The Department shall accept alternative examinations provided that the such examinations are found acceptable by the U.S. Nuclear Regulatory Commission or the Conference of Radiation Control Program Directors, Inc.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 405.70 Approved Training Program

Industrial radiographer training programs shall be approved by the Department. The Department shall recognize other programs approved by another state or jurisdiction provided that such programs consist of standards and procedures that are the same or comparable to the standards and procedures established by the Radiation Protection Act of 1990 and this Part. The Department shall base its approval on information provided by the training program that shall include:

- Curriculum information sufficient to assure inclusion of subjects referenced in Section 405- Appendix A of this Part;
- Copies of test questions and answers and other evaluation tools and criteria used to demonstrate a participant's comprehension of subject matter in Section 405- Appendix A of this Part; and
- Resumes of instructors.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.80 Experience Requirements for Certification

Applicants for certification to perform industrial radiography shall have a minimum of experience appropriate to each category and class of industrial radiography as follows:

- Certified Industrial Radiographer
 - Radioactive Materials 200 hrs
 - Radiation Machines 120 hrs
 - Both Radioactive Materials and Radiation 320 hrs

Machines of which not less than 200 hours shall be with radioactive materials and not less than 120 hours shall be with radiation machines.
- Provisionally-Certified-Industrial-Radiographer
 - Employment-as-an-industrial-radiographer-prior-to--September--17-1994--and
 - Compliance-with---the---requirements---of--32--Ill--Adm---Code-950-2010(a): c) Certified Industrial Radiographer Trainee. No prior experience required.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.90 Requirements for Issuance of Certification

The Department shall certify in a category and class of industrial radiography any individual who has satisfied the following requirements:

- Certified Industrial Radiographer

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- Submitted an application for certification on a form prescribed by the Department;
 - Submitted the application fee specified in Section 405.110(a) of this Part;
 - Passed an examination as required by Section 405.50(a) of this Part or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 of this Part; and
 - Completed the required hours of experience in industrial radiography as specified in Section 405.80 of this Part or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 of this Part.
- Certified Industrial Radiographer Trainee
 - Submitted an application for certification on a form prescribed by the Department;
 - Submitted the application fee specified in Section 405.110(a) of this Part; and
 - Submitted documentation of successful completion of an approved training program as specified in Section 405.70 of this Part or satisfies the requirements for certification based on reciprocity as set forth in Section 405.120 of this Part.

AGENCY NOTE: Training includes didactic study incorporating those topics included in Section 405- Appendix A of this Part. Training does not include on-the-job experience.

- Provisionally-Certified-Industrial-Radiographer
 - No-later-than-September-17-1994--submitted--an--application--for--certification-on-a-form-prescribed-by-the-Department--; 2) Submitted--the--application--fee-specified-in-Section-405-110(a) and
 - Submitted-documentation-that-prior--to--September--17--1994--the individual--was--employed--as--an-industrial-radiographer-and-has completed-with-the-requirements-of-32-III--Adm--Code-950-2010(a): AGENCY-NOTE:---Examples-of-acceptable-documentation-are-a-written statement--from--an-employer--that--the-applicant-is-or-has-been employed-as-an-industrial-radiographer-or-a-copy-of-a-radioactive materials-license-issued-by-the-Department-or-by-the-regulatory agency--having--jurisdiction--in--another--state--identifying-the applicant--as--an--authorized--user--of--industrial--radiography sources.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.100 Duration of Certification

- The duration of certification issued by the Department shall be:

- Certified Industrial Radiographer 5 years
- Certified Industrial Radiographer Trainee 2 years
- Provisionally-Certified-Industrial-Radiographer

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~~Certification--as--a--Provisionally--Certified--Industrial Radiographer--issued--pursuant--to--Section--405.90(c)--shall--expire on--September--17--1995--provided--that--the--application--and--testing requirements--of--Section--405.50(c)--have--been--met--in--the--event--the provisionally--certified--industrial--radiographer--does--not--comply with--application--or--testing--requirements--of--Section--405.50(c)-- certification--as--a--Provisionally--Certified--Industrial Radiographer--shall--expire--on--September--17--1995.~~

- b) Certification for Provisionally-Certified-Industrial-Radiographer--and Certified Industrial Radiographer Trainee is are non-renewable non-renewable.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.110 Fees

- a) The application fees for examination or certification are shall-be non-refundable and are shall-be as follows:
- 1) Each application for examination by the Department.....\$75.00
 - 2) Each application for certification:
 - A) Certified Industrial Radiographer.....\$50.00
 - B) Certified Industrial Radiographer Trainee.....\$50.00
 - C) Provisionally-Certified-Industrial-Radiographer.....\$50.00
- b) The appropriate fees shall accompany the application when filing with the Department.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section. 405.120 Reciprocity

- a) The Department shall issue certification to an applicant who has been certified in another state or jurisdiction, or by the American Society of Nondestructive Testing (ASNT), provided that:

- 1) The applicant holds a valid certification in the appropriate category and class issued by another state or jurisdiction or by the ASNT;
- 2) The standards and procedures for the certification issued by in the state, or jurisdiction, or ASNT that-issued-the-certification are the same or comparable to the certification standards established by or pursuant to the Radiation Protection Act of 1990 and this Part;
- 3) The applicant presents a copy of the certification document issued by the other state or jurisdiction, or by the ASNT, to the Department; and
- 4) The applicant submits the application fee in accordance with Section 405.110(a) of this Part.

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- b) Individuals who are certified by reciprocity shall either:
- 1) Maintain the certification upon which the reciprocal certification was issued; or
 - 2) Satisfy the requirements of Section 405.90 of this Part prior to the expiration of the certification upon which reciprocal certification was issued.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.130 Requirements for Renewal of Certification

a) Prerequisites

- 1) An individual shall submit an application for re-examination and renewal of certification at least six months prior to the expiration date of certification. The Department shall waive this requirement if the applicant satisfies the requirements of Section 405.30(a) of this Part. An individual may not legally perform industrial radiography without valid certification.
 - 2) Each applicant shall submit a complete and legible application with the fee for re-examination and renewal of certification in accordance with Section 405.30(a) of this Part.
- b) Re-examination. Applicants for renewal of certification shall meet the requirements of Section 405.90(a) of this Part including re-examination as described in subsection (a) of this Section above.
- c) ~~Certification-as-a-Provisionally-Certified-Industrial-Radiographer--is nonrenewable--d) Certification as a Certified Industrial Radiography Trainee is non-renewable nonrenewable.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.140 Suspension and Revocation of Certification

- a) The Department may act to suspend or revoke an individual's certification for any one or a combination of the following causes:
- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for initial certification or renewal of certification if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
 - 2) Knowingly falsifying records of employees when such falsification would impair the Department's ability to assess and evaluate the applicant's qualifications for certification pursuant to this Part;
 - 3) Willfully evading the statute or regulations pertaining to certification, or willfully aiding another person in evading such

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statute or regulations pertaining to certification;

- 4) Performing procedures under, or representing as valid to any person, a certification issued by the Department containing on its face unauthorized alterations or changes that are inconsistent with Department records regarding the issuance of that certification;
- 5) Performing procedures under, or representing as valid to any person, a credential not issued by the Department to prove certification in Illinois;
- 64) Having been convicted of a crime which is a felony under the laws of this State or conviction of a felony in a federal court, unless the such individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;
- 75) Exhibiting significant or repeated incompetence in the performance of industrial radiography duties;
- 86) Having a physical or mental illness or disability that results in the individual's inability to perform industrial radiography duties with reasonable judgment, skill and safety;
- 97) Performing industrial radiography in such a manner that requirements of 32 Ill. Adm. Code 350 are violated resulting in a threat to health and safety of the individual, other workers or the public;
- 100) Repeatedly using alcohol, narcotics or stimulants to such an extent as to impair the performance of duties;
- 119) Having had a similar certification suspended or revoked if the grounds for that suspension or revocation are the same or equivalent to one or more grounds for suspension or revocation as set forth in this subsection (a) herein;
- 120) Failure to maintain the out-of-state certification upon which certification by reciprocity was issued;
- 131) Failure to repay educational loans guaranteed by the Illinois Student Assistance Commission, as provided in 20 ILCS 2005/2005-8571;
- 141) Failure to meet child support orders, as provided in 5 ILCS 100/10-65; and
- 151) Failure to pay a fee or civil penalty properly assessed by the Department.
- b) If, based upon any of the grounds in subsection (a) of this Section, the Department determines that action to suspend or revoke certification is warranted, the Department shall notify the individual and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke an individual's certification unless the Department finds that an immediate suspension of certification is required to protect against immediate danger to the public health or safety [420 ILCS 40/38], in which case the Department shall suspend an individual's certification

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- pending a hearing. The Department shall revoke or suspend certification under subsection (a)(14) of this Section based solely upon the certification of delinquency made by the Department of Public Aid or the certification of violation made by the court. Further process, hearing, or redetermination of the delinquency or violation by the Department shall not be required. [5 ILCS 100/10-65(c)]
- c) If the Department finds that removal of certification is warranted, the usual action shall be a suspension of certification for up to one year. The term of suspension may be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented, if to him/her during a hearing, that the conditions leading to the Preliminary Order for Suspension can be cured in less than one year. In the case of frequent child support arrearages, the Department may also impose conditions, restrictions or disciplinary action upon the certification. However, if the Department finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to occupational or public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Department shall revoke the individual's certification.
- d) When an individual's certification is suspended or revoked, the individual shall surrender his/her certification document to the Department until the termination of the suspension period or until reissuance of the certification.
- e) An individual whose certification has been revoked may seek reinstatement of certification by filing with the Department a petition for reinstatement. The such petition may be filed one year or more after the beginning of the revocation period. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the certification should be reinstated due to rehabilitation or other just cause.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 405.150 Civil Penalties

- a) The Department shall assess civil penalties, in accordance with subsection (c) of this Section below, against any individual who performs industrial radiography without valid certification.
- AGENCY NOTE: Licensees and registrants that allow individuals who are not certified to perform industrial radiography are also subject to civil penalties. These penalties are assessed pursuant to 32 Ill. Adm. Code 310.
- b) Prior to assessing civil penalties, the Department shall confirm the violation of the certification requirements by:
- 1) Observation of the violation by a Department inspector;

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- 2) Obtaining records, documents or other physical evidence;
 - 3) Obtaining statements from either the employer or the employee which confirm the existence of the violation; or
 - 4) Obtaining statements from third parties (e.g., ~~Nondepartment inspectors--or~~ co-workers) that corroborate the allegation that a violation has occurred.
- c) Civil penalties shall be assessed against individuals who perform industrial radiography without certification (i.e., uncertified radiographer) as follows:
- 1) First violation by an uncertified individual - \$250.
 - 2) Second violation by an uncertified individual - \$500.
 - 3) Third and subsequent violation by an uncertified individual - \$1,000 for each violation.
- d) The Department shall impose civil penalties by issuing a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.60. Each day the violation continues shall constitute a separate offense.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 405.APPENDIX A Minimum Training Requirements for Industrial Radiography Applicable to Radioactive Materials and Radiation Machines

- a) Fundamentals of Radiation Safety
 - 1) Characteristics of radiation
 - 2) Units of radiation dose and quantity of radioactivity
 - 3) Significance of radiation dose
 - A) Radiation protection standards
 - B) Biological effects of radiation
 - 4) Levels of radiation from sources of radiation
 - 5) Methods of controlling radiation dose
 - A) Working time
 - B) Working distances
 - C) Shielding
- b) Radiation Detection Instrumentation to be Used
 - 1) Use of radiation survey instruments
 - A) Operation
 - B) Calibration
 - C) Limitations
 - 2) Survey techniques
 - 3) Use of personnel monitoring equipment
 - A) Film badges
 - B) Thermoluminescent dosimeters (TLDs) or optically stimulated luminescence dosimeters (OSLs)
 - C) Pocket dosimeters
 - D) Alarm ratemeter
- c) The Requirements of Pertinent Federal and State Regulations
- d) Written Operating and Emergency Procedures
- e) Case Histories of Radiation Accidents
- f) Radiography Equipment to be Used
 - 1) For Industrial Radiography Using Radioactive Material
 - A) Remote handling equipment
 - B) Radiographic exposure devices and sealed sources
 - C) Storage containers
 - D) Inspection, maintenance, operation ~~operation~~ and control of radiography equipment
 - E) Demonstration of competency to safely perform radiographic procedures using a simulated source of radioactive material
 - 2) For Industrial Radiography Using Radiation Machines
 - A) Remote exposure equipment
 - B) Radiation machine exposure equipment
 - C) Inspection, maintenance, operation ~~operation~~ and control of radiography equipment
 - D) Demonstration of competency to safely perform radiographic procedures using a simulated source of radiation

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Petroleum Underground Storage Tanks2) Code Citation: 35 Ill. Adm. Code 7323) Section Numbers: Proposed Action:

732.101	Amended
732.103	Amended
732.104	Amended
732.106	New
732.202	Amended
732.203	Amended
732.204	Amended
732.300	Amended
732.302	Amended
732.305	Amended
732.307	Amended
732.308	Amended
732.309	Amended
732.310	Amended
732.312	Amended
732.402	Amended
732.403	Amended
732.404	Amended
732.405	Amended
732.406	Amended
732.409	Amended
732.411	New
732.500	Amended
732.501	Amended
732.503	Amended
732.601	Amended
732.602	Amended
732.603	Amended
732.605	Amended
732.606	Amended
732.607	Amended
732.609	Amended
732.701	Amended
732.702	Amended
732.703	Amended
732.704	Amended
APPENDIX A	Amended
APPENDIX B	Amended
APPENDIX C	Amended

4) Statutory Authority: 415 ILCS 5/5, 22.12, 27, and 57.5) A Complete Description of the Subjects and Issues Involved: A more

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detailed description of this rule may be found in the Board's opinion and order of November 1, 2001 in R01-26. In December 6, 2000, the Illinois Environmental Protection Agency (IEPA) submitted proposed amendments to the Board to clarify and refine Sections of Part 732 in accordance with the experience that the IEPA has gained in administering Part 732 since it was adopted in 1994 and amended in 1997. After two public hearings, the Board is proceeding with most of the IEPA's proposal unchanged, but has modified the IEPA's proposal somewhat. These IEPA proposed amendments and Board modifications to those amendments constitute the Board's first notice proposal.

Some of the highlights of the Board's proposal include: laboratories that analyze samples from underground storage tank (UST) sites must now be certified; inclusion of Licensed Professional Geologists to perform certain technical tasks previously reserved only for Licensed Professional Engineers; procedures for a UST owner or operator to follow for High Priority UST sites where off-site access is required; adding methyl tertiary butyl-ether (MTBE) as an indicator contaminant; allowing the Illinois Department of Transportation (IDOT) to enter into a memorandum of agreement (MOA) for USTs on IDOT right-of-ways; allowing the federal government to enter into a MOA for USTs on federally-held properties such as a military base; if the IEPA determines that a UST owner or operator's corrective action plan has not achieved the desired outcome, the IEPA can require the owner or operator to submit a revised corrective plan.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These amendments neither create nor expand a State Mandate as defined by the State Mandate Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R01-26 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Joel Sternstein at

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312-814-3665 or by email at sternstj@ipcb.state.il.us. Copies of the opinion and order may be obtained from the Board's Clerk's Office (312-814-3620) and can be downloaded at no cost from the Board's web site at <http://www.ipcb.state.il.us/>

- 12) Initial Regulatory Flexibility Analysis: This proposal is filed pursuant to the Environmental Protection Act.

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposal may affect owners and operators of leaking USTs and laboratories that analyze samples from USTs in Illinois.

B) Reporting, bookkeeping, or other procedures required for compliance: For certain site evaluations and certain site classification completion reports, owners and operators of USTs must submit a form to the IEPA addressing ownership of the site where the UST is located. For off-site access, the UST owner or operator must write a letter to the off-site owner and provide related documentation to the IEPA. If IDOT or a federal site with a MOA transfers the site to another owner, IDOT or the federal government must notify the IEPA.

C) Types of professional skills necessary for compliance: Some UST remediation work may need to be completed by environmental consultants, engineers licensed by the State of Illinois [325 ILCS 225], and geologists licensed by the State of Illinois [225 ILCS 745].

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL
AND UNDERGROUND STORAGE TANK PROGRAMS

PART 732

PETROLEUM UNDERGROUND STORAGE TANKS

SUBPART A: GENERAL

Section	
732.100	Applicability
732.101	Election to Proceed under Part 732
732.102	Severability
732.103	Definitions
732.104	Incorporations by Reference
732.105	Agency Authority to Initiate Investigative, Preventive or Corrective Action
<u>732.106</u>	<u>Laboratory Certification</u>

SUBPART B: EARLY ACTION

732.200	General
732.201	Agency Authority to Initiate
732.202	Early Action
732.203	Free Product Removal
732.204	Application for Payment

SUBPART C: SITE EVALUATION AND CLASSIFICATION

732.300	General
732.301	Agency Authority to Initiate
732.302	No Further Action Sites
732.303	Low Priority Sites
732.304	High Priority Sites
732.305	Plan Submittal and Review
732.306	Deferred Site Classification; Priority List for Payment
732.307	Site Evaluation
732.308	Boring Logs and Sealing of Soil Borings and Groundwater Monitoring Wells
732.309	Site Classification Completion Report
732.310	Indicator Contaminants
732.311	Indicator Contaminant Groundwater Objectives
732.312	Classification by Exposure Pathway Exclusion

SUBPART D: CORRECTIVE ACTION

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732.400 General
732.401 Agency Authority to Initiate
732.402 No Further Action Site
732.403 Low Priority Site
732.404 High Priority Site
732.405 Plan Submittal and Review
732.406 Deferred Corrective Action; Priority List for Payment
732.407 Alternative Technologies
732.408 Remediation Objectives
732.409 Groundwater Monitoring and Corrective Action Completion Reports
732.410 "No Further remediation" letter (Repealed)
732.411 Off-site Access

SUBPART E: SELECTION AND REVIEW PROCEDURES FOR PLANS AND REPORTS

732.500 General
732.501 Submittal of Plans or Reports
732.502 Completeness Review
732.503 Full Review of Plans or Reports
732.504 Selection of Plans or Reports for Full Review
732.505 Standards for Review of Plans or Reports

SUBPART F: PAYMENT OR REIMBURSEMENT

732.600 General
732.601 Applications for Payment
732.602 Review of Applications for Payment
732.603 Authorization for Payment; Priority List
732.604 Limitations on Total Payments
732.605 Eligible Costs
732.606 Ineligible Costs
732.607 Payment for Handling Charges
732.608 Apportionment of Costs
732.609 Subrogation of Rights
732.610 Indemnification
732.611 Costs Covered by Insurance, Agreement or Court Order
732.612 Determination and Collection of Excess Payments

SUBPART G: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

732.700 General
732.701 Issuance of a No Further Remediation Letter
732.702 Contents of a No Further Remediation Letter
732.703 Duty to Record a No Further Remediation Letter
732.704 Voidance of a No Further Remediation Letter
APPENDIX A Indicator Contaminants
APPENDIX B Additional Parameters
TABLE A Groundwater and Soil remediation Objectives (Repealed)

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TABLE B Soil remediation Methodology: Model Parameter Values
(Repealed)
TABLE C Soil remediation Methodology: Chemical Specific Parameters
(Repealed)
TABLE D Soil remediation Methodology: Objectives (Repealed)
ILLUSTRATION A Equation For Groundwater Transport (Repealed)
ILLUSTRATION B Equation For Soil-Groundwater Relationship (Repealed)
ILLUSTRATION C Equation For Calculating Groundwater Objectives at the Source (Repealed)
ILLUSTRATION D Equation For Calculating Soil Objectives at the Source (Repealed)
APPENDIX C Backfill Volumes

AUTHORITY: Implementing Sections 22.12 and 57-57.17 and authorized by Section 57.14 of the Environmental Protection Act [415 ILCS 5/22.12, 57-57.17 and 57.14].

SOURCE: Adopted in R94-2 at 18 Ill. Reg. 15008, effective September 23, 1994; amended in R97-10 at 21 Ill. Reg. 3617, effective July 1, 1997; amended in R01-26 at 26 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; SUM means the summation series or sigma function as used in mathematics; and u (in ug) is substituted for the Greek symbol mu.

Section 732.101

SUBPART A: GENERAL

Section 732.101 Election to Proceed under Part 732

- a) Owners or operators of any underground storage tank system used to contain petroleum and for which a release was reported to the proper State authority on or before September 12, 1993, may elect to proceed in accordance with this Part by submitting to the Agency a written statement of such election signed by the owner or operator. Such election shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format. Corrective action shall then follow the requirements of this Part. The election shall be effective upon receipt by the Agency and shall not be withdrawn once made.
- b) Except as provided in Section 732.100(b) of this Part, owners or operators of underground storage tanks (USTs) used exclusively to store heating oil for consumptive use on the premises where stored and that which serve other than a farm or residential unit may elect to proceed in accordance with this Part by submitting to the Agency a written statement of such election signed by the owner or operator. Such election shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an

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electronic format. Corrective action shall then follow the requirements of this Part. The election shall be effective upon receipt by the Agency and shall not be withdrawn once made.

- c) If the owner or operator elects to proceed pursuant to this Part, corrective action costs incurred in connection with the release and prior to the notification of election shall be payable or reimbursable in the same manner as was allowable under the then existing law. Corrective action costs incurred after the notification of election shall be payable or reimbursable in accordance with Subparts E and F of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5].

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Alternative Technology" means a process or technique, other than conventional technology, used to perform a corrective action with respect to soils contaminated by releases of petroleum from an underground storage tank.

"Board" means the Illinois Pollution Control Board.

"Bodily Injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank- [415 ILCS 5/57.2].
{Section-57:2-of-the-Act}

"Class I Groundwater" means groundwater that meets the Class I: potable resource groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act- [415 ILCS 5/57.2]. {Section-57:2-of-the-Act}

"Class III Groundwater" means groundwater that meets the Class III: special resource groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act- [415 ILCS 5/57.2]. {Section-57:2-of-the-Act}

"Confirmed Exceedence" means laboratory verification of an exceedence

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of the applicable groundwater quality standards or objectives.

"Confirmed Release" means a release of petroleum that has been confirmed in accordance with regulations promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 170.

"Conventional Technology" means a process or technique to perform a corrective action by removal, transportation and disposal of soils contaminated by a release of petroleum from an underground storage tank in accordance with applicable laws and regulations, but without processing to remove petroleum from the soils.

"Corrective Action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of the Act- [415 ILCS 5/57.2]. {Section-57:2-of-the-Act}

"Environmental Land Use Control" means an instrument that meets the requirements of these regulations and is placed in the chain of title to real property that limits or places requirements upon the use of the property for the purpose of protecting human health or the environment, is binding upon the property owners, heirs, successors, assigns, and lessees, and runs in perpetuity or until the Agency approves, in writing, removal of the limitation or requirement from the chain of title.

"Federal Landholding Entity" means that federal department, agency or instrumentality with the authority to occupy and control the day-to-day use, operation and management of Federally Owned Property.

"Federally Owned Property" means real property owned in fee by the United States on which an institutional control is or institutional controls are sought to be placed in accordance with this Part.

"Fill Material" means non-native or disturbed materials used to bed and backfill around an underground storage tank- [415 ILCS 5/57.2].
{Section-57:2-of-the-Act}

"Free Product" means a contaminant that is present as a non-aqueous phase liquid for chemicals whose melting point is less than 30°C (e.g., liquid not dissolved in water).

"Full Accounting" means a compilation of documentation to establish, substantiate and justify the nature and extent of the corrective action costs incurred by an owner or operator.

"Fund" means the Underground Storage Tank Fund- [415 ILCS 5/57.2].
{Section-57:2-of-the-Act}

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"GIS" means Geographic Information System.

"GPS" means Global Positioning System.

"Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure. [415 ILCS 5/3.64]. ~~{Section-3-64-of-the-Act}~~

"Handling Charges" means administrative, insurance, and interest costs and a reasonable profit for procurement, oversight, and payment of subcontracts and field purchases.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 - Light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including navy special fuel oil and bunker C. [415 ILCS 5/57.2]. ~~{Section-57-2-of-the-Act}~~

"IEMA" means the Illinois Emergency Management Agency.

"Indemnification" means indemnification of an owner or operator for the amount of judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by any agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator. [415 ILCS 5/57.2]. ~~{Section-57-2-of-the-Act}~~

"Institutional Control" means a legal mechanism for imposing a restriction on land use as described in 35 Ill. Adm. Code 742 Subpart J.

"Land Use Control Memorandum of Agreement" means an agreement entered into between one or more agencies of the United States and the Illinois Environmental Protection Agency that limits or places requirements upon the use of Federally Owned Property for the purpose of protecting human health or the environment, or that is used to perfect a No Further Remediation Letter that contains land use restrictions.

"Licensed Professional Engineer" means a person, corporation or partnership licensed under the laws of the State of Illinois to practice professional engineering. [415 ILCS 5/57.2]. ~~{Section-57-2-of-the-Act}~~

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"Licensed Professional Geologist" means an individual who is licensed under the Professional Geologist Licensing Act to engage in the practice of professional geology in Illinois [225 ILCS 745/15].

"Line Item Estimate" means an estimate of the costs associated with each line item (including, but not necessarily limited to, personnel, equipment, travel, etc.) that which an owner or operator anticipates will be incurred for the development, implementation and completion of a plan or report.

"Man-made Pathway" means constructed routes that may allow for the transport of mobile petroleum free-liquid or petroleum-based vapors including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches or previously excavated and filled areas.

"Monitoring Well" means a water well intended for the purpose of determining groundwater quality or quantity.

"Natural Pathway" means natural routes for the transport of mobile petroleum free-liquid or petroleum-based vapors including, but not limited to soil, groundwater, sand seams and lenses, and gravel seams and lenses.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank. [415 ILCS 5/57.2]. ~~{Section-57-2-of-the-Act}~~

"OSFM" means the Office of the State Fire Marshal.

"Operator" means any person in control of, or having responsibility for, the daily operation of the underground storage tank. (42 USC 9506- Sec. 6991)

BOARD NOTE: A person who voluntarily undertakes action to remove an underground storage tank system from the ground shall not be deemed an "operator" merely by the undertaking of such action.

"Owner" means:

In the case of an underground storage tank in use on November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use or dispensing of regulated substances;

In the case of any underground storage tank in use before November 8, 1984, but no longer in use on that date, any person who owned such underground storage tank immediately before the

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discontinuation of its use. (42 USC 8-S-6: Sec. 6991)

"Perfect" or "Perfected" means recorded or filed for record so as to place the public on notice, or as otherwise provided in subsections 732.703(c) and (d) of this Part.

"Person" means, for the purposes of interpreting the definitions of the terms "owner" or "operator," an individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body and shall include the United States Government and each department, agency, and instrumentality of the United States. (Derived from 42 USC 8-S-6: Sec. 6991)

"Petroleum" means petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). (42 USC 8-S-6: Sec. 6991)

"Physical Soil Classification" means verification of geological conditions consistent with regulations for identifying and protecting potable resource groundwater or verification that subsurface strata are as generally mapped in the publication Illinois Geological Survey Circular (1984) entitled "Potential for Contamination of Shallow Aquifers in Illinois," by Berg, Richard C., et al. Such classification may include review of soil borings, well logs, physical soil analysis, regional geologic maps, or other scientific publications. [415 ILCS 5/57.2]. (Section-57-2-of-the-Act)

"Potable" means generally fit for human consumption in accordance with accepted water supply principles and practices. [415 ILCS 5/3.65]. (Section-3-65-of-the-Act)

"Property Damage" means physical injury to, destruction of, or contamination of tangible property owned by a person other than an owner or operator of the UST from which a release of petroleum has occurred and which tangible property is located off the site where the release occurred. Property damage includes all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank. [415 ILCS 5/57.2]. (Derived-from-Section-57-2-of-the-Act)

"Registration" means registration of an underground storage tank with the OSFM in accordance with Section 4 of the Gasoline Storage Act [430 ILCS 15/4]

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"Regulated Recharge Area" means a compact geographic area, as determined by the Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination. [415 ILCS 5/3.67]. (Section-3-67-of-the-Act)

"Regulated Substance" means any substance defined in Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 8-S-6: Sec. 9601(14)) (but not including any substance regulated as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act (42 USC 8-S-6: Sec. 6921 et seq.)), and Petroleum. (42 USC 8-S-6: Sec. 6991)

"Release" means any *spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils*. [415 ILCS 5/57.2]. (Section-57-2-of-the-Act)

"Residential Tank" means an underground storage tank located on property used primarily for dwelling purposes.

"Residential Unit" means a structure used primarily for dwelling purposes including multi-unit dwellings such as apartment buildings, condominiums, cooperatives or dormitories.

"Setback zone *zone*" means a geographic area, designated pursuant to the Act or regulations, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwater. [415 ILCS 5/3.61]. (Section-3-61-of-the-Act)

"Site" means any *single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way*. [415 ILCS 5/57.2]. (Section-57-2-of-the-Act)

"Stratigraphic Unit" means a site-specific geologic unit of native deposited material and/or bedrock of varying thickness (e.g., sand, gravel, silt, clay, bedrock, etc.). A change in stratigraphic unit is recognized by a clearly distinct contrast in geologic material or a change in physical features within a zone of gradation. For the purposes of this Part, a change in stratigraphic unit is identified by one or a combination of differences in physical features such as texture, cementation, fabric, composition, density, and/or permeability of the native material and/or bedrock.

"Surface Body of Water" or "Surface Water Body" means a natural or man-made body of water on the ground surface including, but not limited to, lakes, ponds, reservoirs, retention ponds, rivers,

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streams, creeks and drainage ditches. Surface body of water does not include puddles or other accumulations of precipitation, run-off or groundwater in UST excavations.

"Tank Field" means all underground storage tanks at a site that reside within a circle with a 100 foot radius.

"Underground Storage Tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 per centum or more beneath the surface of the ground. Such term does not include any of the following or any pipes connected thereto:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

Septic tank;

Pipeline facility (including gathering lines) regulated under the Natural Gas Pipeline Safety Act of 1968 (49 USC 8-S-6- App. 1671 et seq.), or the Hazardous Liquid Pipeline Safety Act of 1979 (49 USC 8-S-6- App. 2001 et seq.), or which is an intrastate pipeline facility regulated under State laws as provided in either of these provisions of law, and that which is determined by the Secretary of Energy to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

Surface impoundment, pit, pond, or lagoon;

Storm water or waste water collection system;

Flow-through process tank;

Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated on or above the surface of the floor. (Derived from 42 USC 8-S-6- Sec. 6991)

The term "Underground Storage Tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit. [415 ILCS 5/57.2]. {Section-57-2-of-the-Act}

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"UST system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

ASTM. American Society for Testing and Materials, 19, Race Street, Philadelphia, PA 19103 (215) 299-5400.

ASTM D 422-63, Standard Test Method for Particle-Size Analysis of Soils, approved November 21, 1963 (reapproved 1990).

ASTM D 1140-92, Standard Test Method for Amount of Material in Soils Finer than the No. 200 (75 um) Sieve, approved November 15, 1992.

ASTM D 2216-92, Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock, approved June 15, 1992.

ASTM D 4643-93, Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method, approved July 15, 1993.

ASTM D 2487-93, Standard Test Method for Classification of Soils for Engineering Purposes, approved September 15, 1993.

ASTM D 2488-93, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved September 15, 1993.

ASTM D 5084-90, Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter, approved June 22, 1990.

ASTM D 4525-90, Standard Test Method for Permeability of Rocks by Flowing Air, approved May 25, 1990.

ASTM D 1597-83, Standard Practice for Thin-Walled Tube Sampling of Soils, approved August 17, 1983.

ISGS. Illinois State Geological Survey, 615 E. Peabody Drive, Champaign, IL 61820-6964 (217) 333-4747

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Richard C. Berg, John P. Kempton, Keros Cartwright, "Potential for Contamination of Shallow Aquifers in Illinois" (1984), Circular No. 532.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600

"Methods for Chemical Analysis of Water and Wastes," EPA Publication No. EPA-600/4-79-020 (March 1983), Doc. No. PB 89-128677.

"Methods for the Determination of Organic Compounds in Drinking Water," EPA, EMSL, EPA-600/4-88/039 (Dec. 1988), Doc. No. PB 89-220461.

"Practical Guide for Ground-Water Sampling," EPA Publication No. EPA-600/2-85/104 (September 1985), Doc. No. PB 86-137304.

"Rapid Assessment of Exposure to Particulate Emissions from Surface Contamination Sites," EPA Publication No. EPA/600/8-85/002 (February 1985), Doc. No. PB 85-192219.

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, Third Edition (September, 1986), as amended by Updates I, IIA, III, and IIIA ~~Update-I~~ ~~(July-1992)~~ Final Update IIIA dated April 1998), Doc. No. 955-001-00000-1.

USGS. United States Geological Survey, 1961 Stout Street, Denver, CO 80294 (303) 844-4169

"Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," Book I, Chapter D2 (1981).

b) CFR (Code of Federal Regulations). Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202) 783-3238

40 CFR 261, Appendix II (1992).

40 CFR 761.120 (1993).

c) This Section incorporates no later editions or amendments.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 732.106 Laboratory Certification

All quantitative analyses of samples collected on or after July 1, 2003, and utilizing any of the approved test methods identified in 35 Ill. Adm. Code 186.180, shall be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186. Quantitative analyses not utilizing an accredited laboratory in accordance with Part 186 shall be deemed invalid.

(Source: Added at 26 Ill. Reg. _____, effective _____)

SUBPART B: EARLY ACTION

Section 732.202 Early Action

a) Upon confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator, or both, shall perform the following initial response actions within 24 hours after the release:

- 1) Report the release to IEWA (e.g., by telephone or electronic mail);
 - 2) Take immediate action to prevent any further release of the regulated substance to the environment; and
 - 3) Identify and mitigate fire, explosion and vapor hazards.
- b) Within 20 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, the owner or operator shall perform the following initial abatement measures:

- 1) Remove as much of the petroleum from the UST system as is necessary to prevent further release into the environment;
- 2) Visually inspect any above ground releases or exposed below ground releases and prevent further migration of the released substance into surrounding soils and groundwater;
- 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures (such as sewers or basements);
- 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner or operator shall comply with 35 Ill. Adm. Code 722, 724, 725, and 807 through 815;
- 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with regulations promulgated by the OSFM. In selecting sample types, sample locations, and measurement methods, the owner or operator

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shall consider the nature of the stored substance, the type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 732.203 below.

c) Within 20 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit a report to the Agency summarizing the initial abatement steps taken under subsection (b) of this Section and any resulting information or data. The report shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.

d) Within 45 days after confirmation of a release, owners or operators shall assemble information about the site and the nature of the release, including information gained while confirming the release or completing the initial abatement measures in subsections (a) and (b) of this Section. This information shall include, but is not limited to, the following:

- 1) Data on the nature and estimated quantity of release;
- 2) Data from available sources or site investigations concerning the following factors: surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions and land use;
- 3) Results of the site check required at subsection (b)(5) of this Section;
- 4) Results of the free product investigations required at subsection (b)(6) of this Section, to be used by owners or operators to determine whether free product must be recovered under Section 732.203.

e) Within 45 days after confirmation of a release of petroleum from a UST system in accordance with regulations promulgated by the OSFM, owners or operators shall submit to the Agency the information collected in compliance with subsection (d) of this Section in a manner that demonstrates its applicability and technical adequacy. The information shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.

f) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system, or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal. The owner may remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. Early action may also include disposal in accordance with applicable regulations or ex-situ treatment of contaminated fill material in accordance with Section 57.7(a)(1)(B) of

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the Act- [415 ILCS 5/57.6(b)]. ~~{Section-57.6(b)-of-the-Act}~~

g) For purposes of reimbursement, the activities set forth in subsection (f) of this Section shall be performed within 45 days after confirmation of a release, unless special circumstances, approved by the Agency in writing, warrant continuing such activities beyond 45 days. The owner or operator shall notify the Agency in writing within 45 days of ~~after~~ confirmation of a release of such circumstances. Costs incurred beyond 45 days shall be eligible if the Agency determines that they are consistent with early action.

h) The owner or operator shall determine whether the areas or locations of soil contamination exposed as a result of early action excavation ~~le.g. excavation boundaries, piping runs~~ meet the applicable Tier 1 remediation objectives pursuant to 35 Ill. Adm. Code 742, Subpart E. Six samples shall be collected, one on each sidewall and two at the bottom of the excavation. If contaminated backfill is returned to the excavation, 2 representative samples must be collected and analyzed for the applicable indicator contaminants. Additional samples may be required for a multiple tank excavation.

1) If the remediation objectives have been met, and if there is no evidence that contaminated soils may be or may have been in contact with groundwater, the owner or operator shall submit a corrective action completion report demonstrating compliance with those remediation objectives.

2) If the remediation objectives have not been met, or if there is evidence that contaminated soils may be or may have been in contact with groundwater, the owner or operator shall continue evaluation in accordance with Subpart C of this Part.

BOARD NOTE: Section 57.7(a)(1)(B) of the Act limits payment or reimbursement from the Fund for removal of contaminated fill material during early action activities. Owners or operators proceeding with activities set forth in subsection (f) of this Section are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.203 Free Product Removal

a) Under any circumstance in which conditions at a site indicate the presence of free product, owners or operators shall remove free product to the maximum extent practicable while initiating or continuing any actions required pursuant to this Part or other applicable laws or regulations. In meeting the requirements of this Section, owners or operators shall:

1a) Conduct free product removal in a manner that minimizes the spread of contamination into previously uncontaminated zones by using recovery and disposal techniques appropriate to the

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hydrogeologic conditions at the site and that properly treats, discharges or disposes of recovery byproducts in compliance with applicable local, State and federal regulations;

2b) Use abatement of free product migration as a minimum objective for the design of the free product removal system;

3c) Handle any flammable products in a safe and competent manner to prevent fires or explosions; and

4d) Within 45 days after the confirmation of presence of free product from a UST, prepare and submit to the Agency a free product removal report on forms prescribed and provided by the Agency and, if specified by the Agency, by written notice, in an electronic format. The report shall, at a minimum, provide the following:

A1) The name of the persons responsible for implementing the free product removal measures;

B2) The estimated quantity, type and thickness of free product observed or measured in wells, boreholes and excavations;

C3) The type of free product recovery system used;

D4) Whether any discharge will take place on-site or off-site during the recovery operation and where this discharge will be located;

E5) The type of treatment applied to, and the effluent quality expected from, any discharge;

F6) The steps that have been or are being taken to obtain necessary permits for any discharge; and

G7) The disposition of the recovered free product.

5) If free product removal activities are conducted more than 45 days after the confirmation of the presence of free product, submit free product removal reports in accordance with a schedule established by the Agency.

L1) For purposes of reimbursement, owners or operators are not required to obtain Agency approval pursuant to Section 732.202(g) for free product removal activities conducted more than 45 days after initial notification to IEWA of a release.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.204 Application for Payment

Owners or operators intending to seek payment or reimbursement for early action activities are not required to submit a corresponding budget plan to the Agency prior to the application for payment. The application for payment may be submitted to the Agency upon completion of the early action activities in accordance with the requirements at Subpart F of this Part. ~~If the alternative-the owner or operator may submit a line-item estimates-of-the activities-and-costs-as-part-of-a site-classification-budget plan-submitted pursuant-to-Section-732.305-for-prior-review-and-approval-in-accordance-with~~

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~~Subpart--B-of-this-Part---If-the-alternative-of-submitting-a-line-item-estimate of-the-activities-and-costs-is-selected,a-subsequent-application-for-payment satisfying-the-requirements-of-Subpart-P-will-be-required-before-payment-can-be approved-and-such-application-for-payment-must-be-submitted-with-an-application for-payment-for-site-classification-activities.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART C: SITE EVALUATION AND CLASSIFICATION

Section 732.300 General

a) Except as provided in subsection (b) of this Section, the owner or operator of any site subject to this Part shall evaluate and classify the site in accordance with the requirements of this Subpart C. All such sites shall be classified as No Further Action, Low Priority or High Priority. Site classifications shall be based on the results of the site evaluation, including, but not limited to, the physical soil classification and the groundwater investigation, if applicable.

b) An owner or operator may choose to conduct remediation sufficient to satisfy the remediation objectives in Section 732.408 of this Part as an alternative to ~~owners or operators subject to this Part~~ ~~may proceed-without conducting site classification activities pursuant to this Subpart C provided that under the following circumstances:~~

1) ~~If the owner or operator chooses to conduct remediation sufficient to satisfy the remediation objectives in Section 732.408 of this Part, Upon completion of the remediation, the owner or operator shall submit a corrective action completion report demonstrating compliance with the required levels. The owner or operator must sign and submit, with the corrective action completion report, a form prescribed and provided by the Agency addressing ownership of the site. Where the owner or operator owns the site, the owner or operator must so indicate on the form. Where the owner or operator either does not own or does not solely own the site, the owner or operator must provide, on the form, a certification by original signature of the title holder(s) of record for the remediation site or each portion thereof, or the agent(s) of such person(s), stating as follows:~~

I hereby certify that I have reviewed the attached report and that I accept the terms and conditions identified in the Corrective Action Completion Report ~~A-groundwater-investigation shall-be-required-if-any-of-the-following-conditions-exist, unless-an-evaluation-through-35-ill-Adm--Code-742-determines that-no-groundwater-investigation-is-necessary; and~~

2) Unless an evaluation pursuant to 35 Ill. Adm. Code 742

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demonstrates that no groundwater investigation is necessary, the owner or operator must complete a groundwater investigation under the following circumstances:

- A) If there is evidence that groundwater wells have been impacted by the release above the Tier 1 residential numbers set forth in 35 Ill. Adm. Code 742.203 (e.g., as found during release confirmation or previous corrective action measures);
- B) If free product that may impact groundwater is found to need recovery in compliance with Section 732.203 of this Part; or
- C) If there is evidence that contaminated soils may be or may have been in contact with groundwater, except that, if the owner or operator pumps the excavation or tank cavity dry, properly disposes of all contaminated water, and demonstrates to the Agency that no recharge is evident during the 24 hours following pumping, the owner or operator does not have to complete a groundwater investigation, unless the Agency's review reveals that further groundwater investigation is necessary. as-a-result-of:
 - i) Groundwater-infiltrating-the-tank-excavation; or
 - ii) Groundwater-occurring-at-or-above-the-invert-elevation of-the-HST.

- 2) If-upon-completion-of-early-action-requirements-pursuant-to Subpart-B-of-this-Part-the-owner-or-operator-can-demonstrate compliance-with-the-remediation-objectives-required-in-Section 732.408-of-this-Part--Upon-completion-of-the-early-action requirements-the-owner-or-operator-shall-submit-a-corrective action-completion-report-demonstrating-compliance-with-the required-levels.

BOARD NOTE: Owners or operators proceeding under subsection (b) of this Section are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

- c) For corrective action completion reports submitted pursuant to subsection (b) of this Section, the Agency shall issue a No Further Remediation Letter upon approval of the report by the Agency in accordance with Subpart E.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.302 No Further Action Sites

- a) Unless an owner or operator elects to classify a site under Section 732.312, sites shall be classified as No Further Action if all of the following criteria are satisfied:

- 1) The physical soil classification procedure completed in accordance with Section 732.307 confirms either of the following:

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- A) "Berg Circular"
 - i) The site is located in an area designated D, E, F or G on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part; and
 - ii) The site's actual physical soil conditions are verified as consistent with those designated D, E, F or G on the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois"; or
- B) The site soil characteristics satisfy the criteria of Section 732.307(d)(3) of this Part;
- 2) The UST system is not within the minimum or maximum setback zone of a potable water supply well or regulated recharge area of a potable water supply well;
- 3) After completion of completing early action measures in accordance with Subpart B of this Part, there is no evidence that, through natural pathways or man-made pathways, migration of petroleum or vapors threatens threaten human health or human safety or may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces;
- 4) There is no designated Class III special resource groundwater within 200 feet of the UST system; and
- 5) After completing early action measures in accordance with Subpart B of this Part, no surface bodies of water are adversely affected by the presence of a visible sheen or free product layer as a result of a release of petroleum.
- b) Groundwater investigation shall be required to confirm that a site meets the criteria of a No Further Action site if the Agency has received information indicating that the groundwater is contaminated at levels in excess of applicable groundwater objectives specified in 35 Ill. Adm. Code 742 at the property boundary line or 200 feet from the UST system, whichever is less. In such cases, a groundwater investigation that meets the requirements of Section 732.307(j) shall be performed. If the investigation confirms there is an exceedance of applicable Tier 1 residential indicator contaminant objectives (set forth in 35 Ill. Adm. Code 742.203 Appendix B), the Agency may reclassify the site as High Priority.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.305 Plan Submittal and Review

- a) Unless an owner or operator elects to classify a site under Section 732.312, prior to conducting any site evaluation activities, the owner:

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or operator shall submit to the Agency a site classification plan, including but not limited to a physical soil classification and groundwater investigation plan, satisfying the minimum requirements for site evaluation activities as set forth in Section 732.307. The plans shall be designed to collect data sufficient to determine the site classification in accordance with Section 732.302, 732.303 or 732.304 of this Part. Site classification plans shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.

b) In addition to the plan required in subsection (a) of this Section and prior to conducting any site evaluation activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency:

- 1) An application for payment of costs associated with eligible early action costs incurred pursuant to Subpart B of this Part, ~~except as provided in subsection (b)(2) of this Section; and~~
- 2) A site classification budget plan, ~~that which shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and a line item estimate of all costs associated with the development, implementation and completion of the site evaluation activities required in Section 732.307. In accordance with--Section--732.204--of--this--Part--the owner--or operator--may--submit--a--site--classification--budget--plan--that includes--a--line--item--estimate--of--the--activities--and--costs--of early action for review and approval prior to the submittal of an application for payment.~~ Formulation of budget plans should be consistent with the eligible and ineligible costs listed at Sections 732.605 and 732.606 of this Part. Site classification budget plans shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.

c) The Agency shall have the authority to review and approve, reject or require modification of any plan submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

d) Notwithstanding subsections (a) and (b) of this Section, an owner or operator may proceed to conduct site evaluation activities in accordance with this Subpart C prior to the submittal or approval of or an otherwise required site classification plan (including physical soil classification and groundwater investigation plans, costs associated with activities to date and anticipated further costs and ~~associated budget plans~~). However, any such plan shall be submitted to the Agency for review and approval, rejection or modification in accordance with the procedures contained in Subpart E of this Part prior to payment or reimbursement for any related costs or the issuance of a No Further Remediation Letter. If the owner or operator has obtained Agency approval of a Site Classification Work Plan and Site Classification Completion Report without submittal of a budget plan pursuant to subsection (b) of this Section, the owner or operator

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may, as an alternative to submitting a budget plan, submit, on a form provided by the Agency and attached to the application for payment, the actual costs incurred in performing site evaluation activities.

BOARD NOTE: Owners or operators proceeding under subsection (d) of this Section are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

e) If, following the approval of any site classification plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended site classification plan or associated budget plan for review by the Agency. The Agency shall have the authority to review and approve, reject or require modifications of the amended plan in accordance with the procedures contained in Subpart E of this Part.

BOARD--NOTE:--Owners--or--operators--proceeding under--subsection--(d)--of this--Section--are--advised--that--they--may--not--be--entitled--to--full--payment or--reimbursement.--See--Subpart--F--of--this--Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.307 Site Evaluation

a) Except as provided in Section 732.300(b), or unless an owner or operator elects to classify a site under Section 732.312, the owner or operator of any site for which a release of petroleum has been confirmed in accordance with regulations promulgated by the OSFM and reported to IMWA shall arrange for site evaluation and classification in accordance with the requirements of this Section. A Licensed Professional Engineer (or, where appropriate, persons working under the direction of a Licensed Professional Engineer) shall conduct the site evaluation. A Licensed Professional Geologist, to the extent authorized by the Professional Geologist Licensing Act [225 ILCS 745], may practice under the direction of a Licensed Professional Engineer on the site evaluation. The results of the site evaluation shall provide the basis for determining the site classification. The site classification shall be certified by the supervising Licensed Professional Engineer.

b) As a part of each site evaluation, the Licensed Professional Engineer or Licensed Professional Geologist under the direction of a Licensed Professional Engineer shall conduct a physical soil classification in accordance with the procedures at subsection (c) or (d) of this Section. Except as provided in subsection (e) of this Section, all elements of the chosen method of physical soil classification must be completed for each site. In addition to the requirement for a physical soil classification, the Licensed Professional Engineer or Licensed Professional Geologist shall, at a minimum, complete the requirements at subsections (f) through (j) of this Section before a

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Licensed Professional Engineer classifies classifying a site as High Priority or Low Priority and subsections (f) through (i) of this Section before a Licensed Professional Engineer classifies classifying a site as No Further Action.

c) Method One for Physical Soil Classification:

1) Soil Borings

A) Prior to conducting field activities, a review of scientific publications and regional geologic maps shall be conducted to determine if the subsurface strata are as generally mapped in the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference in Section 732.104 of this Part. A list of the publications reviewed and any preliminary conclusions concerning the site geology shall be included in the site classification completion report.

B) A minimum of one soil boring to a depth that includes 50 feet of native soil or to bedrock shall be performed for each tank field with a release of petroleum.

C) If, during boring, bedrock is encountered or if auger refusal occurs because of the density of a geologic material, a sample of the bedrock or other material shall be collected to determine permeability or an in situ test shall be performed to determine hydraulic conductivity in accordance with subsections (c)(3)(A) and (c)(3)(B) of this Section. If bedrock is encountered or auger refusal occurs, the Licensed Professional Engineer or Licensed Professional Geologist shall verify that the conditions that prevented the full boring are expected to be continuous through the remaining required depth.

D) Borings shall be performed within 200 feet of the outer edge of the tank field or at the property boundary, whichever is less. If more than one boring is required per site, borings shall be spaced to provide reasonable representation of site characteristics. The actual spacing of the borings shall be based on the regional hydrogeologic information collected in accordance with subsection (c)(1)(A) of this Section. Location shall be chosen to limit to the greatest extent possible the vertical migration of contamination.

E) Soil borings shall be continuously sampled to ensure that no gaps appear in the sample column.

F) If anomalies are encountered, additional soil borings may be necessary to verify the consistency of the site geology.

G) Any water bearing units encountered shall be protected as necessary to prevent cross-contamination of water bearing units during drilling.

H) The owner or operator may utilize techniques other than those specified in this subsection (c)(1) of this Section

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for soil classification provided that:

- i) The techniques provide equivalent, or superior, information as required by this Section;
- ii) The techniques have been successfully utilized in applications similar to the proposed application;
- iii) Methods for quality control can be implemented; and
- iv) The owner or operator has received written approval from the Agency prior to the start of the investigation.

2) Soil Properties

The following tests shall be performed on a representative sample of each of the stratigraphic units encountered in the native soil boring which has been determined most conducive to transporting contaminants from the source based on site factors, including but not limited to visual and tactile observations, the classification of the soil, any prior evaluation of the site stratigraphy, the volume of the release, the thickness or extent of the stratigraphic unit size-or-extent-of-the-unit, and the requirements of ASTM D 2488-93, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved September 15, 1993:

A) A soil particle analysis using the test methods specified in ASTM (American Society for Testing and Materials) Standards D 422-63 or D 1140-92, "Standard Test Method for Particle-Size Analysis of Soils," or "Standard Test Method for Amount of Material in Soils Finer than the No. 200 (75 um) Sieve," incorporated by reference in Section 732.104 of this Part, or other Agency approved method;

B) A soil moisture content analysis using the test methods specified in ASTM Standards D 2216-92 or D 4643-93, "Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock," or "Standard Test Method for Determination of Water (Moisture) Content of Soil by the Microwave Oven Method," incorporated by reference in Section 732.104 of this Part, or other Agency approved method;

C) A soil classification using the test methods specified in ASTM Standards D 2487-93 or D 2488-93, "Standard Test Method for Classification of Soils for Engineering Purposes" or "Standard Practice for Description and Identification of Soils (Visual-Manual Procedure)," incorporated by reference in Section 732.104 of this Part, or other Agency approved method;

D) Unconfined compression strength shall be determined in tons per square foot by using a hand penetrometer; and

E) If representative samples of each stratigraphic unit are collected for soil property testing by the use of thin-walled tube sampling, an additional soil boring must be

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performed for this sampling within 5 feet of the site classification boring. Thin-walled tube sampling must be conducted in accordance with ASTM Method D 1587-83, or other Agency approved method. The boring from which the thin-walled tubes are collected must be logged in accordance with the requirements of Section 35--III--Adm--Code 732.308(a) of this Part.

3) Hydraulic Conductivity

A) If a water bearing unit is encountered while performing soil boring(s) for the physical soil classification, an in-situ hydraulic conductivity test shall be performed in the first fully saturated layer below the water table. If multiple water bearing units are encountered, an in-situ hydraulic conductivity test shall be performed on each such unit.

i) Wells used for hydraulic conductivity testing shall be constructed in a manner that ensures the most accurate results.

ii) The screen must be contained within the saturated zone.

B) If no water bearing unit is encountered in the required soil boring(s), then the following laboratory analyses shall be conducted, as applicable, on a representative sample from each stratigraphic unit:

i) A hydraulic conductivity analysis of undisturbed or laboratory compacted granular soils (i.e., clay, silt, sand or gravel) using the test method specified in ASTM (American Society for Testing and Materials) Standard D 5084-90, "Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Permeameter," incorporated by reference in Section 732.104 of this Part, or other Agency approved method.

ii) Granular soils that are having estimated to have hydraulic conductivity of greater than 1 X 10⁻³ cm/s will fail the minimum geologic conditions for "No Further Action": i.e., rating of D, E, F, or G as described in the Berg Circular hydraulic-conductivity requirements-within-the-Berg-Circular-for--No--Further Action--geology, and therefore, no physical tests need to be run on the soils.

iii) A hydraulic conductivity analysis of bedrock using the test method specified in ASTM (American Society for Testing and Materials) Standard D 4525-90, "Standard Test Method for Permeability of Rocks by Flowing Air," incorporated by reference in Section 732.104 of this Part, or other Agency approved method.

iv) If representative samples of each stratigraphic unit are collected for soil property testing by the use of

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thin-walled tube sampling, an additional soil boring must be performed for this sampling within 5 feet of the site classification boring. Thin-walled tube sampling must be conducted in accordance with ASTM Method D 1587-83, or other Agency approved method. The boring from which the thin-walled tubes are collected must be logged in accordance with the requirements of Section 35--III--Adm--Code 732.308(a) of this Part.

4) If the results of the physical soil classification or groundwater investigation reveal that the actual site geologic characteristics are different from those generally mapped by the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference at Section 732.104 of this Part, the site classification shall be determined using the actual site geologic characteristics.

d) Method Two for Physical Soil Classification:

1) Soil Borings

A) A minimum of one soil boring to a depth that includes native material from the invert elevation of the most shallow UST to 15 feet below the invert elevation of the deepest UST for each tank field with a release of petroleum.

B) This boring shall meet the requirements of subsections (c)(1)(C) through (c)(1)(G) of this Section.

2) Soil Properties

The following tests shall be performed on a representative sample of each of the stratigraphic units encountered in the native soil boring that which has been determined most conducive to transporting contaminants from the source based on site factors, including but not limited to visual and tactile observations, the classification of the soil, any prior evaluation of the site stratigraphy, the volume of the release, the size or extent of the unit, and the requirements of ASTM D 2488-93, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), approved September 15, 1993 and incorporated by reference in Section 732.104 of this Part:

A) A soil particle analysis satisfying the requirements of subsection (c)(2)(A) of this Section; and

B) Either:

i) A pump test or equivalent to determine the yield of the geologic material. Methodology, assumptions and any calculations performed shall be submitted as part of the site classification completion report. If the aquifer geometry and transmissivity have been obtained through a site-specific field investigation, an analytical solution may be used to estimate well yield. The Licensed Professional Engineer or Licensed

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Professional Geologist shall demonstrate the appropriateness of the analytical solution to estimate well yield versus an actual field test. Well yield should be determined for either confined or unconfined formations. Once the yield has been determined site-specifically, the hydraulic conductivity shall be calculated; or

ii) Hydraulic conductivity shall be determined in accordance with subsection (c)(3) of this Section. Once the hydraulic conductivity has been determined site-specifically, the yield shall be calculated.

C) If representative samples of each stratigraphic unit are collected for soil property testing by the use of thin-walled tube sampling, an additional soil boring must be performed for this sampling within 5 feet of the site classification boring. Thin-walled tube sampling must be conducted in accordance with ASTM Method D 1587-83, or other Agency approved method. The boring from which the thin-walled tubes are collected must be logged in accordance with the requirements of Section 35-111-Adm-Code 732.308(a) of this Part.

3) The results of the boring(s) and tests described in subsections (d)(1) and (d)(2) of this Section shall be used to demonstrate whether the native material from the invert elevation of the most shallow UST to 15 feet below the invert elevation of the deepest UST meets all of the following criteria:

A) Does not contain unconsolidated sand, gravel or sand and gravel that is 5 feet or more in thickness with 12 percent or less fines (i.e., fines that pass through a No. 200 sieve tested according to ASTM (American Society for Testing and Materials) Standard D 2487-93, "Standard Test Method for Classification of Soils for Engineering Purposes," incorporated by reference at Section 732.104 of this Part, or other Agency approved method);

B) Does not contain sandstone that is 10 feet or more in thickness, or fractured carbonate that is 15 feet or more in thickness;

C) Is not capable of sustained groundwater yield, from up to a 12 inch borehole, of 150 gallons per day or more from a thickness of 15 feet or less; and

D) Is not capable of hydraulic conductivity of 1×10^{-4} cm/sec or greater.

e) If, during the completion of the requirements of subsection (c) or (d) of this Section, a Licensed Professional Engineer determines that the site geology is not consistent with areas D, E, F or G of the Illinois State Geological Survey Circular (1984) entitled, "Potential for Contamination of Shallow Aquifers in Illinois," incorporated by reference in Section 732.104 of this Part or that the criteria of

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subsection (d)(3) are not satisfied, any remaining steps required by subsection (c) or (d) may be suspended, provided that the soil investigation has been sufficient to satisfy the requirements of subsection (g) of this Section. If activities are suspended under this subsection (e), the Licensed Professional Engineer or Licensed Professional Geologist shall complete the requirements of subsections (f) through (j) of this Section in order to determine whether the site is High Priority or Low Priority, although a Licensed Professional Geologist may not perform an investigation of migration pathways pursuant to subsection (g) of this Section. The site conditions upon which the suspension of the requirements of subsection (c) or (d) of this Section is based shall be documented in the site classification completion report.

f) Survey of Water Supply Wells

1) The Licensed Professional Engineer or Licensed Professional Geologist shall conduct a survey of water supply wells for the purpose of identifying and locating all community water supply wells within 2500 feet of the UST system and all potable water supply wells within 200 feet of the UST system. The survey shall include, but not be limited to, contacting the Illinois State Geological Survey and the Illinois State Water Survey. The local unit of government with authority over the site shall be contacted to determine if there is a local ordinance or policy regulating the usage of potable water supply wells.

2) The Licensed Professional Engineer or Licensed Professional Geologist shall provide a map to scale showing the locations of all community water supply wells and all potable water supply wells including the designated minimum and maximum setback zones of the wells identified pursuant to subsection (f)(1) of this Section. Radii of 200, 400, 1000, and 2500 feet from the UST system shall be marked on the map.

3) The Licensed Professional Engineer or Licensed Professional Geologist shall provide a table indicating the setback zone for each community water supply well and potable water supply well identified pursuant to subsection (f)(1) of this Section and the distance from the UST system to the well. The locations of each well shall be identified on the map by numbers corresponding to the information provided in the table.

4) The Licensed Professional Engineer or Licensed Professional Geologist shall determine if the UST system is within the regulated recharge area of any community water supply well or potable water supply well. The sources consulted in making this determination shall be described in the site classification completion report.

g) Investigation of Migration Pathways

1) The Licensed Professional Engineer shall conduct an investigation either separately or in conjunction with the physical soil classification to identify all potential natural and man-made

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migration pathways that are on the site, in rights-of-way attached to the site, or in any area surrounding the site that may be adversely affected as a result of the release of petroleum from the UST system. Once the migration pathways have been identified, the areas along all such pathways shall be further investigated in a manner sufficient to determine whether or not there is evidence that migration of petroleum or vapors along such pathways:

- A) May potentially threaten human health or human safety; or
- B) May cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

2) Natural pathways shall be identified using data obtained from investigation at the site. This must include, but is not limited to, identification and location of groundwater if encountered during excavation activities or soil boring activities; identification of different soil strata during excavation activities or soil boring activities and inspection of surface water bodies. Investigation and evaluation of natural migration pathways shall include, for applicable indicator contaminants along potential natural migration pathways:

- A) Soil sampling and laboratory analysis of samples; and
 - B) When groundwater is encountered or when there is potential for surface water contamination, groundwater and surface water sampling and laboratory analysis of samples.
- 3) Man-made pathways shall be identified from site plans, a review of underground utilities as identified by the Joint Utility Location Information for Excavators and interviews with site owners or personnel. The Licensed Professional Engineer must determine whether migration of contaminants of concern along any of these pathways has occurred, using laboratory analytical data for applicable indicator contaminants obtained as follows:

- A) From prior sampling, provided that such laboratory analytical data demonstrates that no contaminant of concern has migrated to or along any man-made pathways;
- B) From soil samples, and groundwater samples if groundwater is encountered, taken between man-made pathways and contaminated soil, provided that such laboratory analytical data demonstrates that no contaminant of concern has migrated to or along any man-made pathways; or
- C) From soil samples, and groundwater samples if groundwater is encountered, taken along man-made pathways.

42) The Licensed Professional Engineer shall provide a map of the site and any surrounding areas that may be adversely affected by the release of petroleum from the UST system. At a minimum, the map shall be to scale, oriented with north at the top, and shall show the location of the leaking UST system(s) with any associated piping and all potential natural and man-made pathways

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that are on the site, in rights-of-way attached to the site, or that are in areas that may be adversely affected as a result of the release of petroleum.

53) Unless the Agency's review reveals objective evidence to the contrary, the Licensed Professional Engineer shall be presumed correct when certifying whether or not there is evidence that, through natural or man-made pathways, migration of petroleum or vapors:

- A) May potentially threaten human health or human safety; or
- B) May cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces.

h) The Licensed Professional Engineer or Licensed Professional Geologist shall verify whether Class III groundwater exists within 200 feet of the UST system.

i) The Licensed Professional Engineer or Licensed Professional Geologist shall locate all surface bodies of water on site and within 100 feet of the site and provide a map noting the locations. All such surface bodies of water shall be inspected to determine whether they have been adversely affected by the presence of a sheen or free product layer resulting from the release of petroleum from the UST system.

j) Groundwater Investigation

- 1) For sites failing to meet NFA site classification or for sites where a groundwater investigation is necessary pursuant to Section 732.302(b) of this Part at which such investigation is required pursuant to this Part, the Licensed Professional Engineer or Licensed Professional Geologist shall perform a groundwater investigation as required under this Part in accordance with this subsection (j) of this Section to determine whether an applicable indicator contaminant groundwater quality standard has been exceeded at the property boundary or 200 feet from the UST system, whichever is less, as a result of the UST release of petroleum.

2) Applicable indicator contaminants and groundwater quality standards shall be those identified pursuant to Sections 732.310 and 732.311 of this Part.

3) Except as provided in subsection (j)(6) of this Section, a minimum of four groundwater monitoring wells shall be installed at the property boundary or 200 feet from the UST system, whichever is less. In the event that a groundwater monitoring well cannot be physically installed at the property line or 200 feet from the UST system, whichever is closer, in accordance with this subsection, the owner or operator shall request approval from the Agency to place the well further out, but at the closest practical point to the compliance point. The owner or operator may elect to place a monitoring well in a location that is closer to the UST system than the rule requires. However, once the election is made the owner or operator may not withdraw the

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election at a later time. The Agency may require the installation of additional monitoring wells to ensure that at least one monitoring well is located hydraulically upgradient and three monitoring wells are located hydraulically downgradient of the USF system. The wells must be installed so that they provide the greatest likelihood of detecting migration of groundwater contamination. At a minimum, monitoring well construction shall satisfy the following requirements:

- A) Construction shall be in a manner that will enable the collection of representative groundwater samples;
 - B) All monitoring wells shall be cased in a manner that maintains the integrity of the borehole. Casing material shall be inert so as not to affect the water sample. Casing requiring solvent-cement type couplings shall not be used;
 - C) Wells shall be screened to allow sampling only at the desired interval. Annular space between the borehole wall and well screen section shall be packed with clean, well-rounded and uniform material sized to avoid clogging by the material in the zone being monitored. The slot size of the screen shall be designed to minimize clogging. Screens shall be fabricated from material that is inert with respect to the constituents of the groundwater to be sampled;
 - D) Annular space above the well screen section shall be sealed with a relatively impermeable, expandable material such as cement/bentonite grout, that which does not react with or in any way affect the sample, in order to prevent contamination of groundwater samples and groundwater and avoid interconnections. The seal shall extend to the highest known seasonal groundwater level;
 - E) The annular space shall be backfilled with expanding cement grout from an elevation below the frost line and mounded above the surface and sloped away from the casing so as to divert surface water away;
 - F) All monitoring wells shall be covered with vented caps and equipped with devices to protect against tampering and damage. Locations of wells shall be clearly marked and protected against damage from vehicular traffic or other activities associated with expected site use; and
 - G) All wells shall be developed to allow free entry of water, minimize turbidity of the sample, and minimize clogging.
- 4) Monitoring well construction diagrams prescribed and provided by the Agency shall be completed for each monitoring well.
- 5) Static water elevations shall be measured for each monitoring well. Groundwater samples shall be taken from each well and analyzed for the applicable indicator contaminants. The data collected shall be used to determine the direction of groundwater flow and whether the applicable groundwater quality standards or clean-up objectives have been exceeded. Samples shall be

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collected and analyzed in accordance with the following procedures:

- A) Samples shall be collected in accordance with the procedures set forth in the documents "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Organic Compounds in Drinking Water," "practical Guide for Ground-Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," or "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," as appropriate for the applicable indicator contaminants or groundwater objectives and as incorporated by reference at Section 732.104 of this Part.
- B) Groundwater elevation in a groundwater monitoring well shall be determined and recorded to establish the gradient of the groundwater table.
- C) The analytical methodology used for the analysis of the indicator contaminants shall be consistent with both of the following:
 - i) The methodology shall have a practical quantitation limit (PQL) at or below the objectives or detection levels set forth in 35 Ill. Adm. Code 742 or as set for mixtures or degradation products as provided in Section 732.310 of this Part; and
 - ii) The methodology must be consistent with the methodologies contained in "Methods for Chemical Analysis of Water and Wastes," "Methods for the Determination of Organic Compounds in Drinking Water," "practical Guide for Ground-Water Sampling," "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," and "Techniques of Water Resources Investigations of the United States Geological Survey, Guidelines for Collection and Field Analysis of Ground-Water Samples for Selected Unstable Constituents," as incorporated by reference at Section 732.104, or other Agency approved methods.
- D) In addition to analytical results, sampling and analytical reports shall contain the following information:
 - i) Sample collection information including but not limited to the name of sample collector, time and date of sample collection, method of collection, and monitoring location;
 - ii) Sample preservation and shipment information including but not limited to field quality control;
 - iii) Analytical procedures including but not limited to the method detection limits and the practical quantitation limits (PQL);

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- iv) Chain of custody and control; and
v) Field and lab blanks.
- 6) As an alternative to the installation of monitoring wells under subsection (j)(3) of this Section, the Licensed Professional Engineer or Licensed Professional Geologist may demonstrate to the Agency through a site-specific evaluation that the groundwater monitoring should not be required.
- A) The evaluation shall be based on a demonstration of the following factors:
- Whether groundwater is present within the depth of the boring used to perform physical soil classification under the selected method (Method One under subsection (c) of this Section or Method Two under subsection (d) of this Section);
 - Whether groundwater is withdrawn for potable use within 1000 feet of the UST system and at what depths; and
 - Whether seasonal fluctuation in groundwater could result in groundwater contacting contaminated soil (e.g., historical records).
- B) The presence or absence of a water bearing unit under subsection (j)(6)(A)(i) of this Section shall be determined on the basis of at least one soil boring to the depth necessary to perform physical soil classification under the selected method (Method One under subsection (c) of this Section or Method Two under subsection (d) of this Section), unless auger refusal occurs because of the density of a geologic material or because bedrock is encountered. If auger refusal occurs, then the Licensed Professional Engineer or Licensed Professional Geologist must demonstrate the depth to a water bearing unit from the available site specific or regional information.
- C) If the evaluation fails to demonstrate to the Agency that a groundwater investigation should not be required as part of site classification activities, then the Licensed Professional Engineer or the Licensed Professional Geologist shall perform a groundwater investigation in accordance with the remainder of this subsection (j) of this Section.
- D) If the evaluation demonstrates to the Agency that a groundwater investigation should not be required, then the site shall be classified as Low Priority, unless other High Priority criteria are present. Upon Agency approval of the evaluation to demonstrate that a groundwater investigation should not be required, then the site shall be classified as Low Priority and a No Further Remediation Letter shall be issued to the owner or operator of the site, unless other High Priority criteria are present.

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(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.308 Boring Logs and Sealing of Soil Borings and Groundwater Monitoring Wells

- a) Soil boring logs shall be kept for all soil borings. The logs shall be submitted along with the site classification completion report and shall be on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.
- 1) Soil boring logs shall contain the following information at a minimum:
- Sampling device, sample number and amount of recovery;
 - Total depth of boring to the nearest 6 inches;
 - Detailed field observations describing materials encountered in boring, including soil constituents, consistency, color, density, moisture, odors, and the nature and extent of sand or gravel lenses or seams equal to or greater than 1 inch in thickness;
 - Petroleum hydrocarbon vapor readings (as determined by continuous screening of borings with field instruments capable of detecting such vapors);
 - Locations of sample(s) used for physical or chemical analysis; and
 - Groundwater levels while boring and at completion.
- 2) Boring logs for soil boring(s) completed for physical soil classification also shall include the following information, as applicable for the classification method chosen, for each stratigraphic unit encountered at the site:
- Moisture content;
 - Unconfined compression strength in tons per square foot (TSF) using a hand penetrometer;
 - Unified Soil Classification System (USCS) soil classification group symbol in accordance with ASTM Standard D 2487-93, "Standard Test Method for Classification of Soils for Engineering Purposes," incorporated by reference in Section 732.104 of this Part, or other Agency approved method; and
 - The reasoning behind the Licensed Professional Engineer's or Licensed Professional Geologist's decision to perform or not perform soil testing pursuant to Section 732.307(c)(2) and (d)(2) of this Part as to each identified stratigraphic unit.
- b) Boreholes and monitoring wells shall be abandoned pursuant to regulations promulgated by the Illinois Department of Public Health at 77 Ill. Adm. Code 920.120.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 732.309 Site Classification Completion Report

a) Within 30 days after the completion of a site evaluation in accordance with Section 732.307 of this Part, the owner or operator shall submit to the Agency a site classification completion report addressing all applicable elements of the site evaluation. The report shall contain all maps, diagrams, and any other information required by Section 732.307 of this Part, as well as the results or conclusions of all surveys and investigations and any documentation necessary to demonstrate those results or conclusions. The report shall be submitted on forms prescribed and provided by the Agency, shall be signed by the owner or operator, and shall contain the certification of a Licensed Professional Engineer of the site's classification as No Further Action, Low Priority or High Priority in accordance with this Subpart C of this Part. For No Further Action sites, the owner or operator must sign and submit, with the site classification completion report, a form prescribed and provided by the Agency addressing ownership of the site. Where the owner or operator owns the site, the owner or operator must so indicate on the form. Where the owner or operator either does not own or does not solely own the site, the owner or operator must provide, on the form, a certification by original signature of the title holder(s) of record for the remediation site or each portion thereof, or the agent(s) of such person(s), state as follows:

I hereby certify that I have reviewed the attached report and that I accept the terms and conditions set forth therein, including any land use limitations, that apply to property I own. I further certify that I have no objection to the recording of a No Further Remediation letter containing the terms and conditions identified in the Site Classification Completion Report.

b) The Agency shall have the authority to review and approve, reject or require modification of any report submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.310 Indicator Contaminants

a) For purposes of this Part, the term "indicator contaminants" shall mean the parameters identified listed in subsections (b) through (ig) of this Section.

b) For gasoline, including but not limited to leaded, unleaded, premium and gasohol, the indicator contaminants shall be benzene,

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ethylbenzene, toluene, and total xylenes and methyl tertiary butyl ether (MTBE), except as provided in subsection (h) of this Section. For leaded gasoline, lead shall also be an indicator contaminant.

c) For aviation turbine fuels, jet fuels, diesel fuels, gas turbine fuel oils, heating fuel oils, illuminating oils, kerosene, lubricants, liquid asphalt and dust laying oils, cable oils, crude oil, crude oil fractions, petroleum feedstocks, petroleum fractions and heavy oils, the indicator contaminants shall be benzene, ethylbenzene, toluene, and total xylenes and the polynuclear aromatics listed in Appendix A. For leaded aviation turbine fuels, lead shall also be an indicator contaminant.

d) For transformer oils the indicator contaminants shall be benzene, ethylbenzene, toluene, total xylenes, the polynuclear aromatics listed in Appendix B and the polychlorinated biphenyl parameters listed in Appendix B.

e) For hydraulic fluids the indicator contaminants shall be benzene, ethylbenzene, toluene, total xylenes the polynuclear aromatics listed in Appendix B and barium.

f) For petroleum spirits, mineral spirits, Stoddard solvents, high-flash aromatic naphthas, moderately volatile hydrocarbon solvents and petroleum extender oils, the indicator contaminants shall be the volatile, base/neutral and polynuclear aromatic parameters listed in Appendix B. The Agency may add degradation products or mixtures of any of the above pollutants in accordance with 35 Ill. Adm. Code 620.615.

g) For used oil the indicator contaminants shall be determined by the results of a used oil soil sample analysis. Prior to the submission of a site classification plan the owner or operator shall collect a grab sample from a location representative of soil that is the most contaminated as a result of the contaminated-by-a release from the used oil UST. If an area of contamination cannot be identified, the sample shall be collected from beneath the used oil UST. The sample shall be analyzed for:

1) All volatile, base/neutral, polynuclear aromatic and metal parameters listed at Appendix B and any other parameters the Licensed Professional Engineer suspects may be present based on UST usage. The Agency may add degradation products or mixtures of any of the above pollutants in accordance with 35 Ill. Adm. Code 620.615.

2) The used oil indicator contaminants shall be those volatile, base/neutral, polynuclear aromatic and metal parameters listed at Appendix B or as otherwise identified at subsection (g)(1) of this Section that exceed their remediation objective at 35 Ill. Adm. Code 742 in addition to benzene, ethylbenzene, toluene, total xylenes and PNAs.

3) If none of the parameters exceed their remediation objective, the used oil indicator contaminants shall be benzene, ethylbenzene, toluene and total xylenes, and the polynuclear aromatics listed

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in Appendix B.

- h) Unless an owner or operator elects otherwise pursuant to subsection (i) of this Section, the term "indicator contaminants" shall not include MTBE for any release reported to the Illinois Emergency Management Agency prior to the effective date of amendments establishing MTBE as an indicator contaminant.

- i) An owner or operator of a site exempt from having to address MTBE as an indicator contaminant pursuant to subsection (h) of this Section may elect to include MTBE as an indicator contaminant under the following circumstances:

- 1) If the Agency has not issued a No Further Remediation Letter for the site by the effective date of the amendments establishing MTBE as an indicator contaminant; or
- 2) If the Agency has issued a No Further Remediation Letter and the release at the site has caused off-site groundwater contamination exceeding the remediation objective for MTBE set forth in 35 Ill. Adm. Code 742, provided that the owner or operator complies with all applicable requirements of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.312 Classification by Exposure Pathway Exclusion

- a) An owner or operator electing to classify a site by exclusion of human exposure pathways under 35 Ill. Adm. Code 742, Subpart C or F shall meet the requirements of this Section.

- 1) Such election shall be made in writing by the owner or operator as part of the submission of the site classification plan under subsection (c) of this Section. The election may be made at any time until the Agency issues a No Further Remediation Letter.

- 2) An owner or operator who chooses to revoke an election submitted under subsection (c) of this Section shall do so in writing.

- b) Upon completion of early action requirements pursuant to Subpart B of this Part, the owner or operator shall determine whether the areas or locations addressed under early action (e.g., backfill) meet the requirements applicable for a Tier 1 evaluation pursuant to 35 Ill. Adm. Code 742, Subpart E.

- 1) If the remediation objectives have been met, the owner or operator shall submit a corrective action completion report demonstrating compliance with the required levels.

- 2) If the remediation objectives have not been met, evaluation shall continue in accordance with subsection (c) of this Section.

- c) If, upon completion of early action requirements pursuant to Subpart B of this Part, the requirements under subsection (b) of this Section have not been met, then the owner or operator, prior to conducting any site evaluation activities, shall submit to the Agency a site classification plan including, but not limited to, a physical soil

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~~classification~~7 contaminant identification, and groundwater investigation plan (if applicable in accordance with Section 732.300(b)(1)), satisfying the minimum requirements for site evaluation activities as set forth in this Section. Site classification plans shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format. The plans shall be designed to:

- 1) Determine the full extent of soil or groundwater contamination exceeding remediation objectives for Tier 1 sites under 35 Ill. Adm. Code 742, Subpart E. Such activities may include soil borings with sampling and analysis, groundwater monitoring wells with sampling and analysis, groundwater modeling, or a combination of these activities.

- 2) Collect data sufficient to determine which, if any, of the applicable exposure routes under 35 Ill. Adm. Code 742 can be excluded pursuant to 35 Ill. Adm. Code 742, Subpart C. The data shall include, but is not limited to, site-specific data demonstrating the physical characteristics of soil and groundwater. or F.

- d) A Licensed Professional Engineer (or, where appropriate, persons working under the direction of a Licensed Professional Engineer) shall conduct the site evaluation. A Licensed Professional Geologist, to the extent authorized by the Professional Geologist Licensing Act [225 ILCS 725], may practice under the direction of a Licensed Professional Engineer on the site evaluation. The results of the site evaluation shall provide the basis for determining the site classification. The site classification shall be certified by the supervising Licensed Professional Engineer.

- e) As a part of each site evaluation, the Licensed Professional Engineer or Licensed Professional Geologist shall conduct physical soil classification and contaminant identification in accordance with the procedures at subsection (c) of this Section.

- f) In addition to the plan required in subsection (c) of this Section and prior to conducting any site evaluation activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency:

- 1) An application for payment of costs associated with eligible early action costs incurred pursuant to Subpart B of this Part, except as provided in subsection (f)(2) of this Section; and
- 2) A site classification budget plan, that which shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSEF and a line item estimate of all costs associated with the development, implementation and completion of the site evaluation activities required under subsection (c) of this Section.

- g) Sites shall be classified as No Further Action if the Licensed Professional Engineer determines that all applicable exposure routes can be excluded from further consideration pursuant to 35 Ill. Adm.

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- Code 742, Subpart C or F.
- h) Sites shall be classified as High Priority if the Licensed Professional Engineer determines that any of the applicable exposure routes cannot be excluded from further consideration pursuant to 35 Ill. Adm. Code 742, Subpart C or F.
- i) Within 30 days after the completion of a site evaluation in accordance with this Section, the owner or operator shall submit to the Agency a site classification completion report addressing all applicable elements of the site evaluation. The report shall contain all maps, diagrams, and any other information required by this Section, as well as the results or conclusions of all surveys and investigations and any documentation necessary to demonstrate those results or conclusions. The report shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format, shall be signed by the owner or operator, and shall contain the certification of a Licensed Professional Engineer of the site's classification as No Further Action or High Priority in accordance with this Section. For any site classified as High Priority, the report shall also contain the certification of a Licensed Professional Engineer as to which exposure routes, if any, have been excluded from further consideration under 35 Ill. Adm. Code 742, Subpart C. The owner or operator must sign and submit, with the site classification completion report, a form prescribed and provided by the Agency addressing ownership of the site. Where the owner or operator owns the site, the owner or operator must so indicate on the form. Where the owner or operator either does not own or does not solely own the site, the owner or operator must provide, on the form, a certification by original signature of the title holder(s) of record for the remediation site or each portion thereof, or the agent(s) of such person(s), stating as follows:

I hereby certify that I have reviewed the attached report and that I accept the terms and conditions set forth therein, including any land use limitations, that apply to property I own. I further certify that I have no objection to the recording of a No Further Remediation Letter containing the terms and conditions identified in the Site Classification Completion Report.

- j) The Agency shall have the authority to review and approve, reject or require modification of any plan or report submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

- k) Notwithstanding subsections (c) and (f) of this Section, an owner or operator may proceed to conduct site evaluation activities in accordance with this Section prior to the submittal or approval of any otherwise required site classification plan and associated budget plans. However, any plan shall be submitted to the Agency for review

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and approval in accordance with the procedures contained in Subpart E of this Part prior to receiving payment or reimbursement for any related costs or the issuance of a No Further Remediation Letter. If the owner or operator has obtained Agency approval of a Site Classification Work Plan and Site Classification Completion Report without submittal of a budget plan pursuant to subsection (b) of this Section, the owner or operator may, as an alternative to submitting a budget plan, submit, on a form provided by the Agency and attached to the application for payment, the actual costs incurred in performing site evaluation activities.

- l) If, following the approval of any site classification plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended site classification plan or associated budget plan for review by the Agency. The Agency shall have the authority to review and approve, reject or require modification of the amended plan in accordance with the procedures contained in Subpart E of this Part.

BOARD NOTE: Owners or operators proceeding under subsection (a)(2) or (k) of this Section are advised that they may not be entitled to full payment or reimbursement. Furthermore, owners or operators may only be reimbursed for one method of site classification. See Subpart F of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART D: CORRECTIVE ACTION

Section 732.402 No Further Action Site

The owner or operator of a site that has been certified as a No Further Action site by a Licensed Professional Engineer and approved as such by the Agency shall have no additional remediation responsibilities beyond those performed pursuant to Subpart B or C of this Part. If ~~unless~~ the Agency fails ~~takes~~ action to approve, reject or modify the site classification completion report within 120 days after receipt of the completion report pursuant to Section 732.309 or Section 732.312, the site classification completion report is rejected by operation of law.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.403 Low Priority Site

- a) The owner or operator of a site that has been certified as a Low Priority site by a Licensed Professional Engineer and approved as such by the Agency shall develop a groundwater monitoring plan and perform groundwater monitoring in accordance with the requirements of this

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- b) The owner or operator of a site certified as Low Priority by a Licensed Professional Engineer and approved as such by the Agency shall develop a groundwater monitoring plan designed to satisfy the following requirements at a minimum:

- 1) Groundwater monitoring shall be conducted for a period of three years following the Agency's approval of the site classification, unless subsection (b)(6) or subsection (i) of this Section applies;
 - 2) Groundwater monitoring wells shall be placed at the property line or 200 feet from the UST system, whichever is closer. The wells shall be placed in a configuration designed to provide the greatest likelihood of detecting migration of groundwater contamination. In the event that a groundwater monitoring well cannot physically be installed at the property line or 200 feet from the UST system, whichever is closer, in accordance with this subsection (b)(2) of this Section, the owner or operator shall request approval from the Agency to place the well further out, but at the closest practical point to the compliance point. The owner or operator may elect to place a monitoring well in a location that is closer to the UST system than the rule requires. However, once the election is made the owner or operator may not withdraw the election at a later time;
 - 3) Groundwater monitoring wells shall satisfy the requirements at subsections Section 732.307(j)(3) and (4) of this Part;
 - 4) During the first year of groundwater monitoring, samples from each well shall be collected and analyzed on a quarterly basis. During the second year of groundwater monitoring, samples from each well shall be collected and analyzed during the second and fourth quarters. During the third and final year of groundwater monitoring, at a minimum, samples from each well shall be collected and analyzed in the fourth quarter;
 - 5) To determine whether groundwater quality standards or Agency approved objectives have been exceeded, samples for groundwater monitoring shall be collected and analyzed in accordance with the procedures set forth in Section 732.307(j)(5) of this Part for the applicable indicator contaminants determined pursuant to Section 732.310 of this Part;
 - 6) The owner or operator may use groundwater monitoring data that has been collected up to 3 years prior to the site being certified as Low Priority, if the data meets the requirements of subsections (b)(2) through (b)(5) of this Section. This data may be used to satisfy all or part of the three year period of groundwater monitoring required under this Section.
- c) Prior to the implementation of groundwater monitoring, except as provided under subsection (b)(6) of this Section, the owner or operator shall submit the groundwater monitoring plan to the Agency for review in accordance with Section 732.405. If the owner or

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operator intends to seek payment from the Fund, a groundwater monitoring budget plan also shall be submitted to the Agency for review. The groundwater monitoring budget plan shall include a line item estimate of all costs associated with the implementation and completion of the groundwater monitoring plan. Groundwater monitoring plans and budgets shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.

- d) Groundwater analysis results obtained pursuant to subsection (b) of this Section shall be submitted to the Agency within 30 days after the end of each annual sampling period on forms prescribed and provided by the Agency, except as provided under subsection (b)(6) of this Section. Groundwater analysis data being used pursuant to subsection (b)(6) shall be submitted to the Agency as part of a Low Priority groundwater monitoring plan or the Low Priority groundwater monitoring completion report.
- 1) The information to be collected shall include but not be limited to the information set forth in Section 732.307(j)(5) of this Part.
- 2) If at any time the groundwater analysis results indicate a confirmed exceedance of the applicable indicator contaminant groundwater quality standards or Agency approved objectives as a result of the underground storage tank release of petroleum, the owner or operator shall notify the Agency of the exceedance within 30 days and provide supporting documentation of the nature and extent of the exceedance.
- 3) Indicator contaminant groundwater quality standards shall be determined in accordance with Section 732.311 of this Part.
- e) Within 30 days after the completion of the Low Priority groundwater monitoring plan, the owner or operator shall submit to the Agency a groundwater monitoring completion report in accordance with Section 732.409 of this Part. If there is no confirmed exceedance of applicable indicator contaminant objectives during the three year groundwater monitoring period, the report shall contain a certification to that effect by a Licensed Professional Engineer.
- f) The Agency shall review the groundwater monitoring completion report in accordance with the procedures set forth in Subpart E of this Part and shall issue a No Further Remediation Letter to the owner or operator in accordance with Subpart G of this Part upon approval of the report by the Agency. If the owner or operator elects to appeal an Agency action to disapprove, modify, or reject by operation of law a Low Priority groundwater monitoring completion report, the Agency shall indicate to the Board in conjunction with such appeal whether it intends to reclassify the site as High Priority.
- g) If at any time groundwater analysis results indicate a confirmed exceedance of applicable indicator contaminant objectives, the Agency may reclassify the site as a High Priority site any time before the Agency's final approval of a Low Priority groundwater monitoring

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completion report. The Agency shall notify the owner or operator in writing if a site is reclassified. Notice of reclassification shall be by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed. Any action by the Agency to reclassify the site as a High Priority site shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for in the review of permit decisions in Section 40 of the Act.

h) The owner or operator of a Low Priority site reclassified to High Priority pursuant to subsection (g) of this Section shall develop and submit for Agency approval a High Priority corrective action plan satisfying the requirements of Section 732.404 of this Part within 120 days after receiving the notice of reclassification. If the owner or operator intends to seek reimbursement from the Fund, a corrective action plan budget also shall be submitted within 120 days after receiving the notice of reclassification.

i) As a result of the demonstrations under Section 732.307(j)(6), the owner or operator of a site classified as Low Priority by a Licensed Professional Engineer.

1) Shall prepare a report in accordance with Section 732.409 of this Part, that which supports the issuance of a No Further Remediation Letter or reclassification of the site as a High Priority site.

2) In the event the site is reclassified as a High Priority site, the owner or operator shall develop and submit for Agency approval a High Priority corrective action plan in accordance with Section 732.403(h) of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.404 High Priority Site

a) The owner or operator of a site that has been certified by a Licensed Professional Engineer as a High Priority site and approved as such by the Agency shall develop a corrective action plan and perform corrective action in accordance with the requirements of this Section. The purpose of the corrective action plan shall be to remediate or eliminate each of the criteria set forth in subsection (b) of this Section that caused the site to be classified as High Priority.

b) The owner or operator of a site certified as High Priority by a Licensed Professional Engineer and approved as such by the Agency or reclassified as High Priority by the Agency pursuant to Section 732.403(g) shall develop a corrective action plan based on site conditions and designed to achieve the following as applicable to the site:

1) For sites that have submitted submitting a site classification

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report under Section 732.309, provide that:

A) After Provide--that--after complete performance of the corrective action plan, applicable indicator contaminants, identified in the groundwater investigation, are not present in groundwater, as a result of the underground storage tank release, in concentrations exceeding the remediation objectives referenced in Section 732.408 of this Part

applicable indicator-contaminant-objectives-are-not-exceeded at the property boundary line or 200 feet from the UST system, whichever is less, as a result of the--underground storage--tank--release--for--any--indicator--contaminant identified in the groundwater investigation. If an adjoining property owner will not allow the owner/operator access to his--or--her--property--so--as--to--ascertain--information sufficient to satisfy this requirement, or if the owner cannot be located, adequate documentation--of--the owner/operator's efforts to gain access to the property shall satisfy this subsection (b)(1)(A)

B) After Provide--that--after complete performance of the corrective action plan, Class III special resource groundwater quality standards for Class III special resource groundwater within 200 feet of the UST system are not exceeded as a result of the underground storage tank release for any indicator contaminant identified in the groundwater investigation;

C) After complete performance of the corrective action plan, remediation of contamination in natural or man-made exposure pathways as a result of the underground storage tank release has been conducted in accordance with 35 Ill. Adm. Code 742. Remediate-threats-due-to-the-presence-of-migration--through natural--or--man-made-pathways--of-petroleum-in-concentrations sufficient to harm human health or human safety or to cause explosions--in--basements--crawl--spaces--utility-conduits, storm--or--sanitary-sewers--vaults--or--other-confined-spaces,

D) Threats Remediate-threats to potable water supplies are remediated; and

E) Threats Remediate--threats to bodies of surface water are remediated.

2) For sites that have submitted submitting a site classification completion report under Section 732.312, provide that, after complete performance of the corrective action plan, the concentrations of applicable indicator contaminants meet the remediation objectives developed under Section 763.408 for any applicable exposure route not excluded from consideration under Section 732.312.

3) Where there has been no reliance on an engineered barrier to achieve compliance with remediation objectives developed under Section 732.408, compliance with remediation objectives shall be

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demonstrated-as-follows:

- A) For-groundwater-remediation-objectives:
- i) Except-as-provided-in-subsection-(ii)-of-this-Section-or-Section-732.307(j)(3)--where--there-is-a-separate-sampling-point--agreed-to-by--the-Agency--sampling-points--shall-be-located-at-the-property-boundary-line-or-200-feet-from-the-USF-system,whichever-is-less.
 - ii) If-an-institutional-control--prohibiting--the--use--of-groundwater--as--a-potable-supply-is-obtained-under-35-III-Adm-Code-742-Subpart-9, sampling-points-shall-be-located-at-the-property-boundary-line.
 - iii) Compliance-with-groundwater-remediation-objectives--at-applicable--sampling-points--shall-be--determined-in-accordance-with-35-III-Adm-Code-742-225.
- B) For-soil-remediation-objectives:
- i) Following--site--classification--under--this--Part--sampling-points-shall-be-located-on-the-site-in-areas-where--concentrations--of--indicator--contaminants-exceeded-remediation-objectives.
 - ii) Compliance--with--soil--remediation--objectives--at-applicable--sampling-points--shall-be--determined-in-accordance-with-35-III-Adm-Code-742-225.
- 4) Where-an-engineered-barrier-has-been-relied-upon--to-achieve-compliance-with--remediation-objectives-developed-under-Section-732.408, compliance-shall-be-determined-based-on-approval-by--the-Agency-of-the-sufficiency-of-the-engineered-barrier.

c) The owner or operator is not required to perform corrective action on an adjoining or off-site property to meet the requirements of this Section, even where complete performance of the corrective action plan under (b)(1) or (b)(2) of this Section would otherwise require such off-site action, if the Agency determines that the owner or operator is unable to obtain access to the property despite the use of best efforts in accordance with the requirements of Section 732.411 of this Part.

de) In developing the corrective action plan, if the Licensed Professional Engineer selects soil or groundwater remediation, or both, to satisfy any of the criteria set forth in subsection (b) of this Section, remediation objectives shall be determined in accordance with Section 732.408 of this Part. Groundwater monitoring wells shall satisfy the requirements of Section 732.307(j)(3) and (4) of this Part.

ed) Except where provided otherwise pursuant to Section 732.312 of this Part, in developing the corrective action plan, additional investigation activities beyond those required for the site evaluation and classification may be necessary to determine the full extent of soil or groundwater contamination and of threats to human health or the environment. Such activities may include, but are not limited to, additional soil borings with sampling and analysis or additional groundwater monitoring wells with sampling and analysis. Such

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activities as are technically necessary and consistent with generally accepted engineering practices may be performed without submitting a work plan or receiving prior approval from the Agency, and associated costs may be included in a High Priority corrective action budget plan. A description of these activities and the results shall be included as a part of the corrective action plan.

fe) The owner or operator shall submit the corrective action plan to the Agency for review in accordance with Section 732.405 of this Part. If the owner or operator intends to seek payment from the Fund, a corrective action plan budget also shall be submitted to the Agency for review. The corrective action plan budget shall include a line item estimate of all costs associated with the implementation and completion of the corrective action plan. The corrective action plan and corrective action plan budget shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.

gf) Within 30 days after completing the performance of the High Priority corrective action plan, the owner or operator shall submit to the Agency a corrective action completion report in accordance with Section 732.409 of this Part.

hg) Within 120 days, the Agency shall review the corrective action completion report in accordance with the procedures set forth in Subpart E of this Part and shall issue a No Further Remediation Letter to the owner or operator in accordance with Subpart G of this Part upon approval by the Agency.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.405 Plan Submittal and Review

- a) Prior to conducting any corrective action activities pursuant to this Subpart D of this Part, the owner or operator shall submit to the Agency a Low Priority groundwater monitoring plan or a High Priority corrective action plan satisfying the minimum requirements for such activities as set forth in Section 732.403 or 732.404 of this Part, as applicable. Groundwater monitoring and corrective action plans shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.
- b) In addition to the plans required in subsections (a) and (e) and (f) of this Section and prior to conducting any groundwater monitoring or corrective action activities, any owner or operator intending to seek payment from the Fund shall submit to the Agency a groundwater monitoring or corrective action budget plan. Such budget plans shall include, but not be limited to, a copy of the eligibility and deductibility determination of the OSFM and a line item estimate of all costs associated with the development, implementation and completion of the applicable activities. Formulation of budget plans

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should be consistent with the eligible and ineligible costs listed at Sections 732.605 and 732.606 of this Part. Groundwater monitoring and corrective action budget plans shall be submitted on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format.

- c) The Agency shall have the authority to review and approve, reject or require modification of any plan submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.
- d) Notwithstanding subsections (a), (b), (c), (d), (e), and (f) of this Section and except as provided at Section 732.407 of this Part, an owner or operator may proceed to conduct Low Priority groundwater monitoring or High Priority corrective action activities in accordance with this Subpart D of this Part prior to the submittal or approval of an otherwise required groundwater monitoring plan or budget or corrective action plan or budget. However, any such plan shall be submitted to the Agency for review and approval, rejection or modification in accordance with the procedures contained in Subpart E of this Part prior to payment or reimbursement for any related costs or the issuance of a No Further Remediation Letter. If the owner or operator has obtained Agency approval of a Low Priority groundwater monitoring plan and a Low Priority groundwater monitoring completion report, or has obtained Agency approval of a High Priority corrective action plan and a High Priority corrective action completion report, without the submittal of a budget plan pursuant to subsection (b) of this Section, the owner or operator may, as an alternative to submitting a budget plan, submit, on a form provided by the Agency and attached to the application for payment, the actual costs incurred in performing the applicable activities required, for a Low Priority site, in Section 732.403 of this Part or, for a High Priority site, in Section 732.404 of this Part.

BOARD NOTE: Owners or operators proceeding under subsection (d) of this Section are advised that they may not be entitled to full payment or reimbursement. See Subpart F of this Part.

- e) If, following approval of any groundwater monitoring plan, corrective action plan or associated budget plan, an owner or operator determines that revised procedures or cost estimates are necessary in order to comply with the minimum required activities for the site, the owner or operator shall submit, as applicable, an amended groundwater monitoring plan, corrective action plan or associated budget plan for review by the Agency. The Agency shall review and approve, reject or require modifications of the amended plan in accordance with the procedures contained in Subpart E of this Part.

- f) If the Agency determines any approved corrective action plan has not achieved applicable remediation objectives within a reasonable time, based upon the method of remediation and site specific circumstances, the Agency may require the owner or operator to submit a revised corrective action plan. Any action by the Agency to require a revised corrective action plan pursuant to this subsection shall be subject to

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appeal to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.406 Deferred Corrective Action; Priority List for Payment

- a) An owner or operator who has received approval for any budget plan submitted pursuant to this Part and who is eligible for payment from the underground storage tank fund may elect to defer site classification, low priority groundwater monitoring, or remediation activities until funds are available in an amount equal to the amount approved in the budget plan if the requirements of subsection (b) of this Section are met [415 ILCS 5/57.8(b)] --- (Section 57-8(b) of the Act)

- 1) Approvals of budget plans shall be pursuant to Agency review in accordance with Subpart E of this Part.

- 2) The Agency shall monitor the availability of funds to determine whether sufficient resources exist to provide payment approved budget plans and shall provide notice to owners or operators of the availability of funds in accordance with subsection Section 732.503(g) of this Part. Funds shall not be deemed available for owners or operators electing to defer corrective action so long as there are owners or operators on the priority list established pursuant to subsection Section 732.603(d) of this Part awaiting forwarding of vouchers to the Office of the State Comptroller.

- 3) Upon receiving written notification that an owner or operator elects to defer corrective action until funds are available, the Agency shall place the site on a priority list for payment and notification of availability of sufficient funds. Sites shall enter the priority list for payment and move up based solely on the date the Agency receives the written election of deferral, with the earliest dates having the highest priority. The Agency's record of the date of receipt shall be deemed conclusive, unless a contrary date is proven by a dated, signed receipt from registered or certified mail.

- 4) As funds become available, the Agency shall encumber funds for each site in the order of priority in an amount equal to the total of the approved budget plan for which deferral was sought. The Agency shall then notify owners or operators that sufficient funds have been allocated for the owner's or operator's site. After such notification the owner or operator shall commence corrective action.

- 5) Authorization of payment of encumbered funds for deferred corrective action activities shall be approved in accordance with

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the requirements of Subpart F of this Part.

- 6) The priority list for payment and notification of availability of sufficient funds shall be the same as that used for deferred site classification pursuant to Section 732.306 of this Part with both types of deferrals entering the list and moving up solely on the basis of the date the Agency receives written notice of the deferral.
- b) An owner or operator who elects to defer site classification, low priority groundwater monitoring, or remediation activities under subsection (a) of this Section shall submit a report certified by a Licensed Professional Engineer demonstrating the following:
- 1) The early action requirements of Subpart B of this Part have been met; and
 - 2) The release does not pose a threat to human health or the environment through migratory pathways following the investigation of migration pathways requirements of subsection Section 732.307(g) of this Part.

- c) An owner or operator may withdraw the election to commence corrective action upon the availability of funds at any time. The Agency shall be notified in writing of the withdrawal. Upon such withdrawal, the owner or operator shall proceed with corrective action in accordance with the requirements of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.409 Groundwater Monitoring and Corrective Action Completion Reports

- a) Within 30 days after completing the performance of a Low Priority groundwater monitoring plan or High Priority corrective action plan, the owner or operator shall submit to the Agency a groundwater monitoring completion report or a corrective action completion report.
- 1) The Low Priority groundwater monitoring completion report shall include, but not be limited to, a narrative describing the implementation and completion of all elements of the groundwater monitoring plan and the procedures used for collection and analysis of samples, analytical results in tabular form, actual analytical results, laboratory certification and any other information or documentation relied upon by the Licensed Professional Engineer in reaching the conclusion that the requirements of the Act and regulations have been satisfied and that no further remediation is required at the site.
 - 2) The High Priority corrective action completion report shall include, but not be limited to, a narrative and timetable describing the implementation and completion of all elements of the corrective action plan and the procedures used for the collection and analysis of samples, soil boring logs, actual

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analytical results, laboratory certification, site maps, well logs and any other information or documentation relied upon by the Licensed Professional Engineer in reaching the conclusion that the requirements of the Act and regulations have been satisfied and that no further remediation is required at the site. A High Priority corrective action completion report shall demonstrate the following:

- A) For sites submitting a site classification report under Section 732.309 of this Part:
- i) Applicable indicator contaminant groundwater objectives are not exceeded at the property boundary line or 200 feet from the UST system, whichever is less, as a result of the release of petroleum for any indicator contaminant identified during the groundwater investigation;
 - ii) Class III resource groundwater quality standards, for Class III special use resource groundwater within 200 feet of the UST system are not exceeded as a result of the release of petroleum for any indicator contaminant identified during the groundwater investigation;
 - iii) The release of petroleum does not threaten human health or human safety due to the presence or migration, through natural or manmade pathways, of petroleum in concentration sufficient to harm human health or human safety or to cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other confined spaces;
 - iv) The release of petroleum does not threaten any surface water body; and
 - v) The release of petroleum does not threaten any potable water supply.
- B) For sites submitting a site classification completion report under Section 732.312 of this Part, the concentrations of applicable indicator contaminants meet the remediation objectives developed under Section 732.408 of this Part for any applicable exposure route not excluded from further consideration under Section 732.312 of this Part.
- b) The applicable report shall be submitted on forms prescribed and provided by the Agency, and, if specified by the Agency by written notice, in an electronic format, shall be signed by the owner or operator, and shall be accompanied by a certification from a Licensed Professional Engineer, in accordance with subsection (a) of this Section, that the information presented in the applicable report is accurate and complete, that groundwater monitoring or corrective action have been completed in accordance with the requirements of the Act and this Subpart D of this Part, and that no further remediation is required at the site. The owner or operator must sign and submit, with the corrective action completion report, a form prescribed and

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provided by the Agency addressing ownership of the site. Where the owner or operator owns the site, the owner or operator must so indicate on the form. Where the owner or operator either does not own or does not solely own the site, the owner or operator must provide, on the form, a certification by original signature of the title holder(s) of record for the remediation site or each portion thereof, or the agent(s) of such person(s), stating as follows:

I hereby certify that I have reviewed the attached report and that I accept the terms and conditions set forth therein, including any land use limitations, that apply to property I own. I further certify that I have no objection to the recording of a No Further Remediation Letter containing the terms and conditions identified in the Corrective Action Completion Report.

- c) The Agency shall have the authority to review and approve, reject or require modification of any report submitted pursuant to this Section in accordance with the procedures contained in Subpart E of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.411 Off-site Access

- a) An owner or operator seeking to comply with the best efforts requirements of subsection 732.404(c) of this Part must demonstrate compliance with the requirements of this Section.

- b) In conducting best efforts to obtain off-site access, an owner or operator must, at a minimum, send a letter by certified mail to the owner of any off-site property to which access is required, stating:

- 1) Citation to Section 57 of the Act stating the legal responsibility of the owner or operator to remediate the contamination caused by the release;
- 2) That, if the property owner denies access to the owner or operator, the owner or operator may seek to gain entry by a court order pursuant to Section 22.2(c) of the Act;
- 3) That, in performing the requested investigation, the owner or operator will work so as to minimize any disruption on the property, will maintain, or its consultant will maintain, appropriate insurance and will repair any damage caused by the investigation;
- 4) If contamination results from a release by the owner or operator, the owner or operator will conduct all associated remediation at its own expense;
- 5) That threats to human health and the environment and diminished property value may result from failure to remediate contamination from the release and;
- 6) A reasonable time to respond to the letter, not less than 30

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days.

- c) An owner or operator, in demonstrating that the requirements of this Section have been met, must provide to the Agency, as part of the Corrective Action Completion Report, the following documentation:

1) A sworn affidavit, signed by the owner or operator, identifying the specific off-site property involved by address, the measures proposed in the corrective action plan that require off-site access, and the efforts taken to obtain access, and stating that the owner or operator has been unable to obtain access despite the use of best efforts; and

- 2) A copy of the certified letter sent to the owner of the off-site property pursuant to subsection (b) of this Section.

- d) In determining whether the efforts an owner or operator has made constitute best efforts to obtain access, the Agency must consider the following factors:

- 1) The physical and chemical characteristics, including toxicity, persistence and potential for migration, of applicable indicator contaminants at the property boundary line;
 - 2) The hydrogeological characteristics of the site and the surrounding area, including the attenuation capacity and saturation limits of the soil at the property boundary line;
 - 3) The nature and extent of known contamination at the site, including the levels of applicable indicator contaminants at the property boundary line;
 - 4) The potential effects of residual contamination on nearby surface water and groundwater;
 - 5) The proximity, quality and current and future uses of nearby surface water and groundwater, including setback zones and regulated recharge areas of potable water supply wells;
 - 6) Any known or suspected natural or man-made migration pathways existing in or near the suspected area of off-site contamination;
 - 7) The nature and use of the part of the off-site property that is the suspected area of contamination;
 - 8) Any existing on-site engineered barriers or institutional controls that might have an impact on the area of suspected off-site contamination, and the nature and extent of such impact; and
 - 9) Any other applicable information assembled in compliance with this Part.
- e) The Agency shall issue a No Further Remediation letter to an owner or operator subject to this Section and otherwise entitled to such issuance only if the owner or operator has, in accordance with this Section, either completed any requisite off-site corrective action or demonstrated to the Agency's satisfaction an inability to obtain off-site access despite best efforts.
- f) The owner or operator is not relieved of responsibility to clean up a release that has migrated beyond the property boundary even where off-site access is denied.

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(Source: Added at 26 Ill. Reg. _____, effective _____)

SUBPART E: SELECTION AND REVIEW PROCEDURES FOR PLANS AND REPORTS

Section 732.500 General

- a) The Agency shall have the authority to review any plan or report, including any amended plan or report, submitted pursuant to this Part. All such reviews shall be subject to the procedures set forth in the Act and this Subpart E of this Part.
- b) For purposes of this Part 732, "plan" shall mean:
- 1) Any physical soil classification or groundwater investigation plan or associated budget plan submitted pursuant to Subpart C of this Part;
 - 2) Any groundwater monitoring plan or associated budget plan submitted pursuant to Subpart D of this Part; or
 - 3) Any site-specific corrective action plan or associated budget plan submitted pursuant to Subpart D of this Part.
- c) For purposes of this Part 732, "report" shall mean:
- 1) Any early action report or free product removal report submitted pursuant to Subpart B of this Part;
 - 2) Any site classification completion report submitted pursuant to Subpart C of this Part;
 - 3) Any annual groundwater monitoring report submitted pursuant to Subpart D of this Part;
 - 4) Any groundwater monitoring completion report submitted pursuant to Subpart D of this Part; or
 - 5) Any corrective action completion report submitted pursuant to Subpart D of this Part or Sections 732.300(b) or 732.400(b) or ~~any of this Part.~~

Section 732.501 Submittal of Plans or Reports

All plans or reports shall be made on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format. Plans or reports shall be mailed or delivered to the address designated by the Agency. The Agency's record of the date of receipt shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.503 Full Review of Plans or Reports

- a) In addition to the completeness review for plans conducted pursuant to Section 732.502 of this Part, the Agency may conduct a full review of

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plans or reports selected in accordance with the requirements of Section 732.504 of this Part. A full review may include any or all technical or financial information, or both, relied upon by the owner or operator or Licensed Professional Engineer or Licensed Professional Geologist in developing the plan or report selected for review. The full review also may include the review of any other plans or reports submitted in conjunction with the site.

- b) The Agency shall have the authority to approve, reject or require modification of any plan or report that has been given a full review. The Agency shall notify the owner or operator in writing of its final action on any such plan or report, except in the case of 20 day, 45 day or free product reports, in which case no notification is necessary. Except as provided in subsections ~~(c) and (d)~~ and (e) of this Section, if the Agency fails to notify the owner or operator of its final action on a plan or report within 120 days after the receipt of a plan or report, the owner or operator may deem the plan or report rejected by operation of law ~~except in the case of 20-day, 45-day or free-product reports, in which case no notification is necessary.~~ If the Agency rejects a plan or report or requires modifications, the written notification shall contain the following information, as applicable:

- 1) An explanation of the specific type of information, if any, that the Agency needs to complete the full review;
 - 2) An explanation of the Sections of the Act or regulations that may be violated if the plan or report is approved; and
 - 3) A statement of specific reasons why the cited Sections of the Act or regulations may be violated if the plan or report is approved.
- c) For High Priority corrective action plans submitted by owners or operators not seeking reimbursement from the Fund, the Agency may delay final action on such plans until 120 days after it receives the corrective action completion report required pursuant to Section 732.409 of this Part.
- d) An owner or operator may waive the right to a final decision within 120 days after the submittal of a complete plan or report by submitting written notice to the Agency prior to the applicable deadline. Any waiver shall be for a minimum of 60 days.
- e) The Agency shall mail notices of final action on plans or reports by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed.
- f) Any action by the Agency to reject or require modification, or rejection by failure to act, of a plan or report shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, a revised plan or report shall be submitted to the Agency within 35 days after the receipt of the Agency's written notification. If no revised plan

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or report is submitted to the Agency or no appeal to the Board filed within the specified time frames, the plan or report shall be deemed approved as modified by the Agency. If any plan or report is rejected by operation of law, in lieu of an immediate appeal to the Board the owner or operator may either resubmit the plan or report to the Agency or file a joint request for a 90 day extension in the manner provided for extensions of permit decision in Section 40 of the Act.

9) Notification of Selection for Full Review

1) Owners or operators submitting plans shall be notified by the Agency within 60 days after from the date the plan is deemed complete if the plan has not been selected for full review in accordance with Section 732.504 of this Part. Failure of the Agency to so notify the owner or operator shall mean that the plan has been selected for full review. Notification by the Agency that the plan has not been selected for full review shall constitute approval of the plan.

2) Owners or operators submitting reports shall be notified by the Agency within 60 days after the receipt of the report if the report has not been selected for full review in accordance with Section 732.504 of this Part, except in the case of 20 day, 45 day or free product reports, in which case no notification of selection is necessary. Failure of the Agency to so notify the owner or operator shall mean that the report has been selected for full review. Notification by the Agency that the report has not been selected for full review shall constitute approval of the report.

3) Notice shall be sent and the date of notification shall be computed in accordance with subsection (e) of this Section.

h) In accordance with Sections 732.306 and 732.406 of this Part, upon the approval of any budget plan by the Agency, the Agency shall include as part of the final notice to the owner or operator a statement of whether or not the Fund contains sufficient resources in order to immediately commence the approved measures.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART F: PAYMENT OR REIMBURSEMENT

Section 732.601 Applications for Payment

a) An owner or operator seeking payment from the Fund shall submit to the Agency an application for payment on forms prescribed and provided by the Agency and, if specified by the Agency by written notice, in an electronic format. The owner or operator may submit an application for partial payment or final payment for materials, activities or services contained in an approved budget plan. An application for payment also may be submitted for materials, activities or services

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for early action conducted pursuant to Subpart B of this Part and for which no budget plan is required.

b) A complete application for payment shall consist of the following elements:

1) A certification from a Licensed Professional Engineer acknowledged by the owner or operator that the work performed by the Licensed Professional Engineer or Licensed Professional Geologist or under his or her supervision has been in accordance with a technical plan approved by the Agency or, for early action activities, in accordance with Subpart B of this Part;

2) A statement of the amounts amount approved in the corresponding budget plan and the amounts amount actually sought for payment along with a certified statement by the owner or operator that the amounts amount so sought have been expended in conformance with the elements of a budget plan approved by the Agency;

3) A copy of the OSFM or Agency eligibility and deductibility determination;

4) Proof that approval of the payment requested will not exceed the limitations set forth in the Act and Section 732.604 of this Part;

5) A federal taxpayer identification number and legal status disclosure certification;

6) A Private Insurance Coverage form; and

7) A Minority/Women's Business Usage form; and

8) designation of the address to which payment and notice of final action on the application for payment are to be sent.

c) The address designated on the application for payment may be changed only by subsequent notification to the Agency, on a form provided by the Agency, of a change in address.

de) Applications for payment and change of address forms shall be mailed or delivered to the address designated by the Agency. The Agency's record of the date of receipt shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from certified or registered mail.

ed) Applications for partial or final payment may be submitted no more frequently than once every 90 days.

fe) Except for applications for payment for costs of early action conducted pursuant to Subpart B of this Part or applications for payment/budget plans submitted pursuant to Section 732.305(e), 732.312(l), 732.405(e), and 732.405(f) of this Part, in no case shall the Agency review an application for payment unless there is an approved budget plan on file corresponding to the application for payment.

gf) In no case shall the Agency authorize payment to an owner or operator in amounts an amount greater than the amounts amount approved by the Agency in a corresponding budget plan. Revised cost estimates or increased costs resulting from revised procedures must be submitted to

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the Agency for review in accordance with Subpart E of this Part using amended budget plans in accordance with Sections 732.305(e) or 732.405(e) of this Part.

- hg) Applications for payment of costs associated with site classification may not be submitted prior to approval or modification of the site classification completion report.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.602 Review of Applications for Payment

- a) The Agency shall conduct a review of any application for payment submitted pursuant to this Part 732. Each application for payment shall be reviewed to determine whether the application contains all of the elements and supporting documentation required by Section 732.601(b) of this Part and whether the amounts sought for payment have been certified in accordance with Section 732.601(b)(2) of this Part as equal to or less than the amounts approved in the corresponding budget plan. Any action by the Agency pursuant to this subsection shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act.

- b) The Agency may conduct a full review of any application for payment:

- 1) If the amounts sought for payment exceed the amounts approved in the corresponding budget plan;
- 2) If the Agency has reason to believe that the application for payment is fraudulent; or
- 3) If the application for payment includes costs for early action activities conducted pursuant to Subpart B of this Part and either of the following circumstances exist:

- A) The application for payment is solely for early action costs that have not been approved as part of a prior budget plan;

or

- B) The application for payment includes early action costs that have not been approved as part of a prior budget plan, except that only the portion of the application for the unapproved early action costs may be given a full review.

- c) When conducting a full review of any application for payment, the Agency may require the owner or operator to submit a full accounting supporting all claims as provided in subsection (d) of this Section.

- d) A full review of an application for payment shall be sufficient to determine which line items contained in the application for payment have caused the application for payment to exceed the corresponding approved budget plan pursuant to subsection (b)(1) of this Section, which line items, if any, are ineligible for payment pursuant to subsection (b)(2) or (b)(3) of this Section, and whether there is sufficient documentation to demonstrate that line items have been

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completed in accordance with a plan approved by the Agency. A full review may include review of any or all elements and supporting documentation relied upon by the owner or operator in developing the application for payment, including but not limited to a review of invoices or receipts supporting all claims. The full review also may include the review of any plans or reports previously submitted for the site to ensure that the application for payment is consistent with work proposed and actually performed in conjunction with the site.

- e) Following a review, the Agency shall have the authority to approve, deny or require modification of applications for payment or portions thereof. The Agency shall notify the owner or operator in writing of its final action on any such application for payment. Except as provided in subsection (f) of this Section, if the Agency fails to notify the owner or operator of its final action on an application for payment within 120 days after the receipt of a complete application for payment, the owner or operator may deem the application for payment approved rejected by operation of law. If the Agency denies payment for an application for payment or for a portion thereof or requires modification, the written notification shall contain the following information, as applicable:

- 1) An explanation of the specific type of information, if any, that the Agency needs to complete the full review;
- 2) An explanation of the Sections of the Act or regulations that may be violated if the application for payment is approved; and
- 3) A statement of specific reasons why the cited Sections of the Act or regulations may be violated if the application for payment is approved.

- f) An owner or operator may waive the right to a final decision within 120 days after the submittal of a complete application for payment by submitting written notice to the Agency prior to the applicable deadline. Any waiver shall be for a minimum of 30 days.

- g) The Agency shall mail notices of final action on applications for payment by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the post marked date that such notice is mailed. The Agency shall mail notice of final action on applications for payment, and direct the Comptroller to mail payments to the owner or operator, at the address designated for receipt of payment in the application for payment or on a change of address form, provided by the Agency, submitted subsequent to submittal of the application for payment.

- h) Any action by the Agency to deny payment for an application for payment or portion thereof or to require modification shall be subject to appeal to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, a revised application for payment shall be submitted to the Agency within 35

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days after the receipt of the Agency's written notification. If no revised application for payment is submitted to the Agency or no appeal to the Board is filed within the specified timeframes, the application for payment shall be deemed approved as modified by the Agency and payment shall be authorized in the amount approved.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.603 Authorization for Payment; Priority List

a) Within 60 days after notification to of an owner or operator that the application for payment or a portion thereof has been approved by the Agency or by operation of law, the Agency shall forward to the Office of the State Comptroller in accordance with subsection (de) or (ed) of this Section a voucher in the amount approved. If the owner or operator has filed an appeal with the Board of the Agency's final decision on an application for payment, the Agency shall have 60 days after from the final resolution of the appeal to forward to the Office of the State Comptroller a voucher in the amount ordered as a result of the appeal. Notwithstanding the time limits imposed by this Section, the Agency shall not forward vouchers to the Office of the State Comptroller until sufficient funds are available to issue payment.

b) The following rules shall apply regarding deductibles:

1) Any deductible, as determined by the OSFM or the Agency, shall be subtracted from any amount approved for payment by the Agency or by operation of law;

2) Only one deductible shall apply per occurrence;

3) If multiple incident numbers are issued for a single site in the same calendar year, only one deductible shall apply for those incidents, even if the incidents relate to more than one occurrence; and

4) Where more than one deductible determination is made, the higher deductible shall apply.

c) The Agency shall instruct the Office of the State Comptroller to issue payment to the owner or operator at the address designated in accordance with subsection 732.601(b)(8) of this Part. In no case shall the Agency authorize the Office of the State Comptroller to issue payment to an agent, designee, or entity who has conducted corrective action activities for the owner or operator.

de) For owners or operators who have deferred site classification or corrective action in accordance with Section 732.306 or 732.406 of this Part, payment shall be authorized from funds encumbered pursuant to subsection Section 732.306(a)(4) or 732.406(a)(4) of this Part upon approval of the application for payment by the Agency or by operation of law.

ed) For owners or operators not electing to defer site classification or

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corrective action in accordance with Section 732.306 or 732.406 of this Part, the Agency shall form a priority list for payment for the issuance of vouchers pursuant to subsection (a) of this Section.

1) All such applications for payment shall be assigned a date that is the date upon which the complete application for partial or final payment was received by the Agency. This date shall determine the owner's or operator's priority for payment in accordance with subsection (d)(2) of this Section, with the earliest dates receiving the highest priority.

2) Once payment is approved by the Agency or by operation of law or ordered by the Board or courts, the application for payment shall be assigned priority in accordance with subsection (d)(1) of this Section. The assigned date shall be the only factor determining the priority for payment for those applications approved for payment.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.605 Eligible Costs

a) Types of costs that may be eligible for payment from the Fund include those for corrective action activities and for materials or services provided or performed in conjunction with corrective action activities. Such activities and services may include but are not limited to:

1) Early action activities conducted pursuant to Subpart B of this Part;

2) Engineering oversight services;

3) Remedial investigation and design;

4) Feasibility studies;

5) Laboratory services necessary to determine site classification and whether the established corrective action objectives have been met;

6) Installation and operation of groundwater investigation and groundwater monitoring wells;

7) The removal, treatment, transportation and disposal of soil contaminated by petroleum at levels in excess of the established corrective action objectives;

8) The removal, treatment, transportation and disposal of water contaminated by petroleum at levels in excess of the established corrective action objectives;

9) The placement of clean backfill to grade to replace excavated soil contaminated by petroleum at levels in excess of the established corrective action objectives;

10) Groundwater corrective action systems;

11) Alternative technology;

12) Recovery of free phase petroleum from groundwater;

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- 13) The removal and disposal of any UST if a release of petroleum from the UST was identified and IEMA was notified prior to its removal, with the exception of any UST deemed ineligible by the Office of State Fire Marshal;
- 14) Costs incurred as a result of a release of petroleum because of vandalism, theft or fraudulent activity by a party other than an owner, operator or agent of an owner or operator;
- 15) Engineering costs associated with seeking payment or reimbursement from the Fund including, but not limited to, completion of an application for partial or final payment;
- 16) Costs associated with obtaining an Eligibility and Deductibility Determination from the OSFM or the Agency;
- 17) Costs for destruction and replacement of concrete, asphalt and paving to the extent necessary to conduct corrective action and if the destruction and replacement has been certified as necessary to the performance of corrective action by a Licensed Professional Engineer;
- 18) The destruction or dismantling and reassembly of above grade structures in response to a release of petroleum if such activity has been certified as necessary to the performance of corrective action by a Licensed Professional Engineer. For purposes of this subsection, dismantling or reassembly of above grade structures does not include costs associated with replacement of pumps, pump islands, buildings, wiring, lighting, bumpers, posts or canopies; and
- 19) Preparation of site classification plans (including physical soil classification and groundwater investigation plans) and associated budget plans, site classification reports, groundwater monitoring plans and associated budget plans, groundwater monitoring completion reports, High Priority corrective action plans and associated budget plans, and High Priority corrective action completion reports.
- b) An owner or operator may submit a budget plan or application for partial or final payment that includes an itemized accounting of costs associated with activities, materials or services not identified in subsection (a) of this Section if the owner or operator submits detailed information demonstrating that the activities, materials or services not identified in subsection (a) of this Section are essential to the completion of the minimum corrective action requirements of the Act and this Part 732.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.606 Ineligible Costs

Costs ineligible for payment from the Fund include but are not limited to:

- a) Costs for the removal, treatment, transportation, and disposal of more

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- than four feet of fill material from the outside dimensions of the UST, as set forth in Appendix C of this Part, during early action activities conducted pursuant to Section 732.202(f), and costs for the replacement of contaminated fill materials with clean fill materials in excess of the amounts set forth in Appendix C of this Part during early action activities conducted pursuant to Section 732.202(f) of this Part;
- b) Costs or losses resulting from business interruption;
- c) Costs incurred as a result of vandalism, theft or fraudulent activity by the owner or operator or agent of an owner or operator, including the creation of spills, leaks or releases;
- d) Costs associated with the replacement of above grade structures such as pumps, pump islands, buildings, wiring, lighting, bumpers, posts or canopies, including but not limited to those structures destroyed or damaged during corrective action activities;
- e) Costs of corrective action or indemnification incurred by an owner or operator prior to July 28, 1989 [415 ILCS 5/57.8(j)] {Section--57-8(f)+of-the-Act};
- f) Costs associated with the procurement of a generator identification number;
- g) Legal defense costs including legal costs for seeking payment under these regulations unless the owner or operator prevails before the Board and the Board authorizes payment of legal fees [415 ILCS 5/57.8(l)] {Section-57-8(f)+of-the-Act};
- h) Purchase costs of non-expendable materials, supplies, equipment or tools, except that a reasonable rate may be charged for the usage of such materials, supplies, equipment or tools;
- i) Costs associated with activities that violate any provision of the Act or Board, OSFM or Agency regulations;
- j) Costs associated with investigative action, preventive action, corrective action, or enforcement action taken by the State of Illinois if the owner or operator failed, without sufficient cause, to respond to a release or substantial threat of a release upon, or in accordance with, a notice issued by the Agency pursuant to Section 732.105 of this Part and Section 57.12 of the Act;
- k) Costs for removal, disposal or abandonment of a UST if the tank was removed or abandoned, or permitted for removal or abandonment, by the OSFM before the owner or operator provided notice to IEMA of a release of petroleum;
- l) Costs associated with the installation of new USTs, and the repair of existing USTs and removal and disposal of USTs determined to be ineligible by the Office of State Fire Marshal. 7
- m) Costs exceeding those contained in a budget plan or amended budget plan approved by the Agency;
- n) Costs of corrective action or indemnification incurred before providing notification of the release of petroleum to IEMA in accordance with Section 732.202 of this Part;
- o) Costs for corrective action activities and associated materials or

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- services exceeding the minimum requirements necessary to comply with the Act;
- p) Costs associated with improperly installed sampling or monitoring wells;
- q) Costs associated with improperly collected, transported or analyzed laboratory samples;
- r) Costs associated with the analysis of laboratory samples for constituents other than applicable indicator contaminants or groundwater objectives;
- s) Costs for any corrective activities, services or materials unless accompanied by a letter from OSFM or the Agency confirming eligibility and deductibility in accordance with Section 57.9 of the Act;
- t) Interest or finance costs charged as direct costs;
- u) Insurance costs charged as direct costs;
- v) Indirect corrective action costs for personnel, materials, service or equipment charged as direct costs;
- w) Costs associated with the compaction and density testing of backfill material;
- x) Costs associated with sites that have not reported a release to IEMA or are not required to report a release to IEMA;
- y) Costs related to activities, materials or services not necessary to stop, minimize, eliminate, or clean up a release of petroleum or its effects in accordance with the minimum requirements of the Act and regulations;
- z) Costs incurred after completion of early action activities in accordance with Subpart B by owners or operators choosing, pursuant to subsection Section 732.300(b) of this Part, to conduct remediation sufficient to satisfy the remediation objectives;
- aa) Costs incurred after completion of site classification activities in accordance with Subpart C by owners or operators choosing, pursuant to subsection Section 732.400(b) or (c) of this Part, to conduct remediation sufficient to satisfy the remediation objectives;
- bb) Costs of alternative technology that exceed the costs of conventional technology;
- cc) Costs for investigative activities and related services or materials for developing a High Priority corrective action plan that are unnecessary or inconsistent with generally accepted engineering practices or unreasonable costs for justifiable activities, materials or services;
- dd) Costs to prepare site classification plans and associated budget plans under Section 732.305 of this Part, to perform site classification under Section 732.307 of this Part, or to prepare site classification completion reports under Section 732.309 of this Part, for sites where owners or operators have elected to classify under Section 732.312 of this Part;
- ee) Costs to prepare site classification plans and associated budget plans under Section 732.312 of this Part, to perform site classification under Section 732.312 of this Part, or to prepare site classification

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- completion reports under Section 732.312 of this Part, for sites where owners or operators have performed classification activities under Sections 732.305, 732.307, or 732.309 of this Part;
- ff) Costs requested that are based on mathematical errors;
- gg) Costs that lack supporting documentation;
- hh) Costs proposed as part of a budget plan that are unreasonable;
- ii) Costs incurred during early action that are unreasonable;
- jj) Costs incurred at a site that has entered the Site Remediation Program under Title XVII and 35 Ill. Adm. Code 740; and
- kk) Costs incurred for additional remediation after receipt of a No Further Remediation Letter for the occurrence for which the No Further Remediation Letter was received, except costs incurred for MTBE remediation pursuant to subsection 732.310(i)(2) of this Part;
- ll) Handling charges for subcontractors costs that have been billed directly to the owner or operator;
- mm) Handling charges for subcontractor's costs when the contractor has not paid the subcontractor;
- nn) Costs associated with standby and demurrage; and
- oo) Costs associated with a corrective action plan incurred after the Agency notifies the owner or operator, pursuant to Section 732.405(f), that a revised corrective action plan is required; provided however, that costs associated with any subsequently approved corrective action plan will be eligible for reimbursement if they meet the requirements of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.607 Payment for Handling Charges

Handling charges are eligible for payment only if they are equal to or less than the amount determined by the following table (Section 57.8(g) of the Act):

SUBCONTRACT OR FIELD PURCHASE COST:	ELIGIBLE HANDLING CHARGES AS A PERCENTAGE OF COST:
\$0 - \$5,000	12%
\$5,001 - \$15,000	\$600 PLUS 10% OF AMOUNT OVER \$5,000
\$15,001 - \$50,000	\$1,600 PLUS 8% OF AMOUNT OVER \$15,000
\$50,001 - \$100,000	\$4,400 PLUS 5% OF AMOUNT OVER \$50,000
\$100,001 - \$1,000,000	\$6,900 PLUS 2% OF AMOUNT OVER \$100,000
	[415 ILCS 5/57.8(f)]

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.609 Subrogation of Rights

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Payment of any amount from the Fund for corrective action or indemnification shall be subject to the State acquiring by subrogation the rights of any owner, operator, or other person to recover the costs of corrective action or indemnification ~~indemnification~~ for which the fund has compensated such owner, operator, or person from the person responsible or liable for the release- [415 ILCS 5/57.8(h)]. ~~{Section-57-8(h)-of-the-Act}~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART G: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

Section 732.701 Issuance of a No Further Remediation Letter

- a) Upon approval by the Agency of a No Further Action site classification report, a Low Priority groundwater monitoring completion report, or a High Priority corrective action completion report, the Agency shall issue to the owner or operator a No Further Remediation Letter. The No Further Remediation Letter shall have the legal effect prescribed in Section 57.10 of the Act. The No Further Remediation Letter shall be denied if the Agency rejects or requires modification of the applicable report.
- b) The Agency shall have 120 days after from the date of receipt of a complete report to issue a No Further Remediation Letter and may include the No Further Remediation Letter as part of the notification of approval of the applicable report in accordance with Subpart E of this Part. If the Agency fails to send the No Further Remediation Letter within 120 days, it shall be deemed denied by operation of law.
- c) The notice of denial of a No Further Remediation Letter by the Agency may be included with the notification of rejection or modification of the applicable report. The reasons for the denial shall be stated in the notification. The denial shall be considered a final determination appealable to the Board within 35 days after the Agency's final action in the manner provided for the review of permit decisions in Section 40 of the Act. If any request for a No Further Remediation Letter is denied by operation of law, in lieu of an immediate appeal to the Board the owner or operator may either resubmit the request and applicable report to the Agency or file a joint request for a 90 day extension in the manner provided for extensions of permit decision in Section 40 of the Act.
- d) The Agency shall mail the No Further Remediation Letter by registered or certified mail, post marked with a date stamp and with return receipt requested. Final action shall be deemed to have taken place on the postmarked date that the letter is mailed.
- e) The Agency at any time may correct errors in No Further Remediation Letters that arise from oversight, omission or clerical mistake. Upon correction of the No Further Remediation Letter, the Agency shall mail the corrected letter to the owner or operator as set forth in

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subsection (c) of this Section. The corrected letter shall be perfected by recording in accordance with the requirements of Section 732.703.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.702 Contents of a No Further Remediation Letter

A No Further Remediation Letter issued pursuant to this Part shall include all of the following:

- a) An acknowledgement that the requirements of the applicable report were satisfied;
- b) A description of the location of the affected property by adequate legal description or by reference to a plat showing its boundaries, or, for purposes of subsection 732.703(d) of this Part, other means sufficient to identify site location with particularity;
- c) The remediation objectives determined in accordance with 35 Ill. Adm. Code 742 and any land use limitation, as applicable, required by 35 Ill. Adm. Code 742 as a condition of the remediation objectives;
- d) A statement that the Agency's issuance of the No Further Remediation Letter signifies that:
 - 1) All corrective action requirements under Title XVI and Part 732 applicable to the occurrence have been complied with;
 - 2) all corrective action concerning the remediation of the occurrence has been completed; and
 - 3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment. [415 ILCS 5/57.10(c)] ~~{Section-57-10(c)-of-the-Act}~~
- e) The prohibition under Section 732.703(e) of this Part ~~for~~ against the use of any site in a manner inconsistent with any applicable land use limitation, without additional approved remedial activities;
- f) A description of any approved preventive, engineering, and institutional controls identified in the plan or report and notification that failure to manage the controls in full compliance with the terms of the plan or report may result in avoidance of the No Further Remediation Letter;
- g) The recording obligations pursuant to Section 732.703 of this Part;
- h) The opportunity to request a change in the recorded land use pursuant to Section 732.704(ge) of this Part;
- i) Notification that further information regarding the site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140]; and
- j) Any other provisions agreed to by the Agency and the owner or operator.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 732.703 Duty to Record a No Further Remediation Letter

- a) Except as provided in subsections (c) and (d) of this Section, an owner or operator receiving a No Further Remediation Letter from the Agency pursuant to this Subpart G shall submit the letter, with a copy of any applicable institutional controls (as set forth in 35 Ill. Adm. Code 742, Subpart J) proposed as part of a Corrective Action Completion Report, to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days after receipt of the letter. The letter shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title.
- b) Except as provided in subsections (c) and (d) of this Section, a No Further Remediation Letter shall be perfected upon the date of the official recording of such letter ~~not--become---effective---until~~ officially-recorded-in-agreement-with-subsection-(a)-of-this-Section. The owner or operator shall obtain and submit to the Agency, within 30 days after the official recording date, a certified, or otherwise accurate and official copy of the letter and any attachments as recorded. An unperfected No Further Remediation Letter is effective only as between the Agency and the owner or operator. The Agency may, pursuant to Section 732.704(a)(5) of this Part, void a No Further Remediation Letter for failure to perfect in a timely manner in accordance with subsection (a) of this Section.
- c) For sites located in an Illinois Department of Transportation (IDOT) right of way, the following requirements shall apply:
- 1) In order for the No Further Remediation Letter to be perfected, IDOT must enter into a Memorandum of Agreement (MOA) with the Agency. The MOA must include, but is not limited to:
- A) The name of the site, if any, and any IDOT or Agency identifiers (e.g. incident number, Illinois inventory identification number);
- B) The address of the site (or other description sufficient to identify the location of the site with certainty);
- C) A copy of the No Further Remediation Letter for each site subject to the MOA;
- D) Procedures for tracking sites subject to the MOA so that all IDOT bureaus whose responsibilities (e.g. land acquisition, maintenance, construction, utility permits) may affect land use limitations will have notice of any environmental concerns and land use limitations applicable to a site;
- E) Provisions addressing future conveyances (including title or any lesser form of interest) or jurisdictional transfers of the site to any other agency, private person or entity and the steps that will be taken to ensure the long-term integrity of any land use limitations including, but not limited to, the following:
- i) Upon creation of a deed, the recording of the No Further Remediation Letter and any other land use

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limitations requiring recording under 35 Ill. Adm. Code 742, with copies of the recorded instruments sent to the Agency within 30 days after recording;

- ii) Any other arrangements necessary to ensure that property that is conveyed or transferred remains subject to any land use limitations approved and implemented as part of the corrective action plan and the No Further Remediation Letter; and
- iii) Notice to the Agency at least 60 days prior to any such intended conveyance or transfer indicating the mechanism(s) to be used to ensure that any land use limitations will be operated or maintained as required in the corrective action plan and No Further Remediation Letter; and
- F) Provisions for notifying the Agency if any actions taken by IDOT or its permittees at the site result in the failure or inability to restore the site to meet the requirements of the corrective action plan and the No Further Remediation Letter.
- 2) Failure to comply with the requirements of this subsection may result in avoidance of the No Further Remediation Letter pursuant to Section 732.704 of this Part as well as any other penalties that may be available.
- d) For sites located on Federally Owned Property for which the Federal Landholding Entity does not have the authority under federal law to record institutional controls on the chain of title, the following requirements shall apply:
- 1) To perfect a No Further Remediation Letter containing any restriction on future land use(s), the Federal Landholding Entity or Entities responsible for the site must enter into a Land Use Control Memorandum of Agreement ("LUC MOA") with the Agency that requires the Federal Landholding Entity to do, at a minimum, the following:
- A) Identify the location on the Federally Owned Property of the site subject to the No Further Remediation Letter. Such identification shall be by means of common address, notations in any available facility master land use plan, site specific GIS or GPS coordinates, plat maps, or any other means that identifies the site in question with particularity;
- B) Implement periodic site inspection procedures that ensure oversight by the Federal Landholding Entities of any land use limitations or restrictions imposed pursuant to the No Further Remediation Letter;
- C) Implement procedures for the Federal Landholding Entities to periodically advise the Agency of continued compliance with all maintenance and inspection requirements set forth in the LUC MOA;

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D) Implement procedures for the Federal Landholding Entities to notify the Agency of any planned or emergency changes in land use that may adversely impact land use limitations or restrictions imposed pursuant to the No Further Remediation Letter;

E) Notify the Agency at least 60 days in advance of a conveyance by deed or fee simple title, by the Federal Landholding Entities, of the site or sites subject to the No Further Remediation Letter, to any entity that will not remain or become a Federal Landholding Entity, and provide the Agency with information about how the Federal Landholding Entities will ensure the No Further Remediation Letter is recorded on the chain of title upon transfer of the property; and

F) Attach to the LUC MOA a copy of the No Further Remediation Letter for each site subject to the LUC MOA.

2) To perfect a No Further Remediation Letter containing no restriction(s) on future land use, the Federal Landholding Entity shall submit the letter to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days after receipt of the letter. The letter shall be filed in accordance with Illinois law so it forms a permanent part of the chain of title. The Federal Landholding Entity shall obtain and submit to the Agency, within 30 days after recording, a copy of the letter demonstrating that the recording requirements have been satisfied.

3) Failure to comply with the requirements of this subsection and the LUC MOA may result in avoidance of the No Further Remediation Letter as well as any other penalties that may be available.

ee) At no time shall any site for which a land use limitation has been imposed as a result of corrective action under this Part be used in a manner inconsistent with the land use limitation set forth in the No Further Remediation Letter. The land use limitation specified in the No Further Remediation Letter may be revised only by the perfecting of a subsequent No Further Remediation Letter, issued pursuant to Title XVII of the Act and regulations thereunder, following further investigation or remediation that demonstrated the attainment of objectives appropriated for the new land use. ~~unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new letter is obtained and recorded in accordance with this Part.~~

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 732.704 Avoidance of a No Further Remediation Letter

a) The No Further Remediation Letter shall be voidable if site activities

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are not carried out in full compliance with the provisions of this Part, and 35 Ill. Adm. Code 742 where applicable, or the remediation objectives upon which the issuance of the No Further Remediation Letter was based. Specific acts or omissions that may result in avoidance of the No Further Remediation Letter include, but shall not be limited to:

1) Any violations of institutional controls or land use restrictions, if applicable;

2) The failure of the owner or operator or any subsequent transferee to operate and maintain preventive, engineering and institutional controls or comply with a groundwater monitoring plan, if applicable;

3) Obtaining the No Further Remediation Letter by fraud or misrepresentation;

4) Subsequent discovery of indicator contaminants related to the occurrence upon which the No Further Remediation Letter was based which:

A) were not identified as part of the investigative or remedial activities upon which the issuance of the No Further Remediation Letter was based;

B) results in the following:

i) the site no longer satisfying the criteria of a No Further Action site classification.

ii) the site no longer satisfying the criteria of a Low Priority site classification.

iii) failing to meet the remedial objectives established for a High Priority site; and

C) pose a threat to human health or the environment;

5) Upon lapse of the 45 day period for perfection of the No Further Remediation Letter for recording, the failure to perfect the No Further Remediation Letter ~~Failure to record the No Further Remediation Letter in accordance with Section 732.703; or~~ Disturbance or removal of contamination left in place under an approved plan.

7) The failure to comply with the requirements of Section 732.703(c) and the Memorandum of Agreement entered in accordance with Section 732.703(c) for a site located in an IDOT right of way;

8) The failure to comply with the requirements of Section 732.703(d) and the LUC MOA entered in accordance with Section 732.703(d) for a site located on Federally Owned Property for which the Federal Landholding Entity does not have the authority under federal law to record institutional controls on the chain of title;

9) The failure to comply with the requirements of Section 732.703(d) of this Part or the failure to record a No Further Remediation Letter perfected in accordance with Section 732.703(d) within 45 days following the transfer of the Federally Owned Property subject to the No Further Remediation Letter to any entity that will not remain or become a Federal Landholding Entity; or

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- 10) The failure to comply with the notice or confirmation requirements of 35 Ill. Adm. Code 742.1015(b)(5) and 35 Ill. Adm. Code 742.1015(c).
- b) If the Agency seeks to void a No Further Remediation Letter, it shall provide notice to the current title holder of the site and the owner or operator at his or her last known address.
- 1) The notice shall specify the cause for the voidance and describe the facts in support of the cause.
- 2) The Agency shall mail Notices of Voidance by registered or certified mail, date stamped with return receipt requested.
- c) Within 35 days after receipt of the Notice of Voidance, the current title holder and owner or operator of the site at the time the No Further Remediation Letter was issued may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.
- d) If the Board fails to take final action within 120 days, unless such time period is waived by the petitioner, the petition shall be deemed denied and the petitioner shall be entitled to an appellate court order pursuant to subsection (d) of Section 41 of the Act. The Agency shall have the burden of proof in such action.
- 1) If the Agency's action is appealed, the action shall not become effective until the appeal process has been exhausted and a final decision is reached by the Board or courts.
- A) Upon receiving a notice of appeal, the Agency shall file a Notice of Lis Pendens with the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it becomes a part of the chain of title for the site.
- B) If the Agency's action is not upheld on appeal, the Notice of Lis Pendens shall be removed in accordance with Illinois law within 45 days after receipt of the final decision of the Board or the courts.
- 2) If the Agency's action is not appealed or is upheld on appeal, the Agency shall submit the Notice of Voidance to the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The Notice shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 732.APPENDIX A Indicator Contaminants

TANK CONTENTS	INDICATOR CONTAMINANTS
GASOLINE	benzene
leaded(1), unleaded, premium and gasohol	ethylbenzene
	toluene
	xylene
	Methyl tertiary butyl ether (MTBE)
MIDDLE DISTILLATE AND HEAVY ENDS	
aviation turbine fuels(1)	benzene
jet fuels	ethylbenzene
	toluene
	xylene
	acenaphthene
	anthracene
	benzo(a)anthracene
	benzo(a)pyrene
	benzo(b)fluoranthene
	benzo(k)fluoranthene
	chrysene
	dibenzo(a,h)anthracene
	fluoranthene
	fluorene
	indeno(1,2,3-c,d)pyrene
	naphthalene
	pyrene
	other non-carc.PNAs(total)(6)

screening sample(5)

USED OIL

- (1) lead is also an indicator contaminant
- (2) the polychlorinated biphenyl parameters listed in Appendix B are also indicator contaminants
- (3) barium is also an indicator contaminant
- (4) the volatile, base/neutral and polynuclear aromatic parameters listed in Appendix B are also indicator contaminants
- (5) used oil indicator contaminants shall be based on the results of a used oil soil sample analysis - refer to 732.310(g)

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(6) acenaphthylene, benzo(g,h,i)perylene and phenanthrene

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 732.APPENDIX B Additional Parameters

Volatiles

1. Benzene
2. Bromoform
3. Carbon tetrachloride
4. Chlorobenzene
5. Chloroform
6. Dichlorobromomethane
7. 1,2-Dichloroethane
8. 1,1-Dichloroethene
9. cis-1,2-Dichloroethylene
10. trans-1,2-Dichloroethylene
11. Dichloromethane (Methylene chloride)
12. 1,2-Dichloropropane
13. 1,3-Dichloropropylene (cis + trans)
14. Ethylbenzene
15. Styrene
16. Tetrachloroethylene
17. Toluene
18. 1,1,1-Trichloroethane
19. 1,1,2-Trichloroethane
20. Trichloroethylene
21. Vinyl chloride
22. Xylenes (total)

Base/Neutrals

1. Bis(2-chloroethyl)ether
2. Bis(2-ethylhexyl)phthalate
3. 1,2-Dichlorobenzene
4. 1,4-Dichlorobenzene
5. Hexachlorobenzene
6. Hexachlorocyclopentadiene
7. n-Nitrosodi-n-propylamine
8. n-Nitrosodiphenylamine
9. 1,2,4-Trichlorobenzene

Polynuclear Aromatics

1. Acenaphthene
2. Anthracene
3. Benzo(a)anthracene
4. Benzo(a)pyrene
5. Benzo(b)fluoranthene
6. Benzo(k)fluoranthene
7. Chrysene
8. Dibenzo(a,h)anthracene
9. Fluoranthene
10. Fluorene

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11. Indeno(1,2,3-c,d)pyrene
12. Naphthalene
13. Pyrene
- Other Non-Carcinogenic PNAs (total)
14. Acenaphthylene
15. Benzo(g,h,i)perylene
16. Phenanthrene

Metals (total inorganic and organic forms)

1. Arsenic
2. Barium
3. Cadmium
4. Chromium (total)
5. Lead
6. Mercury
7. Selenium

Acids

1. Pentachlorophenol
2. Phenol (total)
3. 2,4,6-Trichlorophenol

Pesticides

1. Aldrin
2. alpha-BHC
3. Chlordane
4. 4,4'-DDD
5. 4,4'-DDE
6. 4,4'-DDT
7. Dieldrin
8. Endrin
9. Heptachlor
10. Heptachlor epoxide
11. Lindane (gamma-BHC)
12. Toxaphen

Polychlorinated Biphenyls

1. Polychlorinated Biphenyls
(as Decachlorobiphenyl)

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 732. APPENDIX C Backfill Volumes and Weights

Volume of Tank in Gallons	Maximum amount of backfill material to be removed in: in-place	Maximum amount of backfill material to be replaced in: in-place
<285	54	91
285 to 299	55	92
300 to 559	56	94
560 to 999	67	113
1000 to 1049	81	136
1050 to 1149	89	150
1150 to 1999	94	158
2000 to 2499	112	188
2500 to 2999	128	215
3000 to 3999	143	240
4000 to 4999	175	294
5000 to 5999	189	318
6000 to 7499	198	333
7500 to 8299	206	346
8300 to 9999	219	368
10,000 to 11,999	252	423
12,000 to 14,999	286	480
>15,000 to 19,999	345	580

Site specific information may be used to determine the weight of backfill material if site conditions such as backfill material, soil moisture content, and soil conditions differ significantly from the default values.

BOARD NOTE: The weight of backfill material is calculated by using the default bulk density values listed in the TACO regulations at 35 Ill. Adm. Code 742. Appendix C, Table B. The weight of backfill material to be removed is based on a dry bulk density value of 1.8 g/cm(3) for sand and a moisture content of 10 percent which equals 1.98 g/cm(3). The Board has rounded the removed backfill density to 2.0 g/cm(3). The weight of backfill material to be replaced is based on a dry bulk density value of 2.0 g/cm(3) for gravel.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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1) Heading of Part: Site Remediation Program

2) Code Citation: 35 Ill. Adm. Code 740

<u>Section Numbers:</u>	<u>Proposed Action:</u>
740.120	Amend
740.125	Amend
740.405	Amend
740.410	Amend
740.415	Amend
740.420	Amend
740.425	Amend
740.435	Amend
740.450	Amend
740.455	Amend
740.525	Amend
740.535	Add
740.605	Amend
740.610	Amend
740.615	Amend
740.620	Amend
740.621	Add
740.622	Add
740.625	Amend
740.800	Add
740.805	Add
740.810	Add
740.815	Add
740.820	Add
740.825	Add
APPENDIX A	
TABLE A	Amend
TABLE B	Amend
TABLE C	Amend
TABLE D	Amend

4) Statutory Authority: Implementing Sections 58 through 58.8 and 58.10 through 58.14, and authorized by Sections 58.5, 58.6, 58.7, 58.11 and 58.14 of the Environmental Protection Act [415 ILCS 5/58-58.8, 58.10-58.14].

5) A Complete Description of the Subjects and Issues Involved: This first-notice rulemaking is explained in more detail in the Board's opinion and order of November 1, 2001, R01-27/R01-29, available from the address in item 11 below.

The rulemaking docketed as R01-27 was initiated by a proposal filed by the Illinois Environmental Protection Agency to amend 35 Ill. Adm. Code 740 of

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the Board's land regulations, which are commonly referred to as the SRP rules. The Part 740 rules establish a voluntary program under which participants may investigate releases and clean up contaminated sites. The SRP rules give participants the opportunity to obtain approval from the Illinois Environmental Protection Agency of remediation costs before applying for tax credits for the clean up.

The rulemaking docketed as R01-29 was initiated by a proposal filed by the Citizens for a Better Environment (CBE) to amend 35 Ill. Adm. Code 740 by adding a new Subpart H. The Subpart H proposed by CBE addresses additional informational types of procedures remediation applicants must follow when performing an SRP clean up of a site with an intended future use as a public school.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes, see 35 Ill. Adm. Code 740.125.

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not create or enlarge a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a minimum of 45 days following publication in the Illinois Register. Comments should reference consolidated docket R01-27/R01-29 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.
Suite 11-500
Chicago, IL 60601

Questions regarding this rulemaking should be addressed to Amy Jackson, at 217-524-8507 or jacksona@ipcb.state.il.us

Please request copies of the Board's opinion and order in Docket R01-27/R01-29 from Don Brown, at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: The proposed amendments will affect those small businesses that participate in the Site Remediation Program.
- B) Reporting, bookkeeping or other procedures required for compliance: Compliance with these regulations includes maintenance of records and bookkeeping requirements necessary for review and approval of remediation efforts.
- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, licensed professional geologist, and licensed professional engineer.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2001

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD

PART 740

SITE REMEDIATION PROGRAM

SUBPART A: GENERAL

Section	Purpose
740.100	Applicability
740.105	Permit Waiver
740.110	Agency Authority
740.115	Definitions
740.120	Incorporations by Reference
740.125	Severability
740.130	

SUBPART B: APPLICATIONS AND AGREEMENTS FOR REVIEW AND EVALUATION SERVICES

Section	
740.200	General
740.205	Submittal of Application and Agreement
740.210	Contents of Application and Agreement
740.215	Approval or Denial of Application and Agreement
740.220	Acceptance and Modification of Application and Agreement
740.225	Termination of Agreement by the Remediation Applicant (RA)
740.230	Termination of Agreement by the Agency
740.235	Use of Review and Evaluation Licensed Professional Engineer (RELPE)

SUBPART C: RECORDKEEPING, BILLING AND PAYMENT

Section	
740.300	General
740.305	Recordkeeping for Agency Services
740.310	Request for Payment
740.315	Submittal of Payment
740.320	Manner of Payment

SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES, PREPARATION OF PLANS AND REPORTS

Section	
740.400	General
740.405	Conduct of Site Activities and Preparation of Plans and Reports by Licensed-Professional-Engineer-(t5PE)
740.410	Form and Delivery of Plans and Reports, Signatories and

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740.415 Certifications
740.420 Site Investigation -- General
740.425 Comprehensive Site Investigation
740.430 Site Investigation Report -- Comprehensive Site Investigation
740.435 Focused Site Investigation
740.440 Site Investigation Report -- Focused Site Investigation
740.445 Determination of Remediation Objectives
740.450 Remediation Objectives Report
740.455 Remedial Action Plan
Remedial Action Completion Report

SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

Section
740.500 General
740.505 Reviews of Plans and Reports
740.510 Standards for Review of Site Investigation Reports and Related Activities
Standards for Review of Remediation Objectives Reports
740.515 Standards for Review of Remedial Action Plans and Related Activities
740.520 Standards for Review of Remedial Action Completion Reports and Related Activities
740.525 Establishments of Groundwater Management Zones
740.530 Establishment of Soil Management Zones
740.535

SUBPART F: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

Section
740.600 General
740.605 Issuance of No Further Remediation Letter
740.610 Contents of No Further Remediation Letter
740.615 Payment of Fees
740.620 Duty to Record No Further Remediation Letter
740.621 Requirements for No Further Remediation Letters Issued to Illinois Department of Transportation Remediation Sites Located in Rights-of-Way
740.622 Requirements for No Further Remediation Letters Issued to Federal Landholding Entities Without Authority to Record Institutional Controls
740.625 Voidance of No Further Remediation Letter

SUBPART G: REVIEW OF REMEDIATION COSTS FOR ENVIRONMENTAL REMEDIATION TAX CREDIT

Section
740.700 General
740.705 Preliminary Review of Estimated Remediation Costs

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740.710 Application for Final Review of Remediation Costs
740.715 Agency Review of Application for Final Review of Remediation Costs
740.720 Fees and Manner of Payment
740.725 Remediation Costs
740.730 Ineligible Costs

SUBPART H: REQUIREMENTS RELATED TO SCHOOLS

Section
740.800 General
740.805 Requirements Prior to Public Use
740.810 Engineered Barriers and Institutional Controls
740.815 Public Notice of Site Remedial Action Plan
740.820 Community Relations Plan
740.825 Fact Sheet

APPENDIX A Target Compound List

TABLE A Volatile Organics Analytical Parameters and-Required-Quantitation Limits
TABLE B Semivolatile Organic Analytical Parameters and-Required Quantitation-Limits
TABLE C Pesticide and Aroclors Organic Analytical Parameters and-Required Quantitation-Limits
TABLE D Inorganic Analytical Parameters and-Required-Quantitation-Limits
APPENDIX B Review and Evaluation Licensed Professional Engineer Information

AUTHORITY: Implementing Sections 58 through 58.8 and 58.10 through 58.14 and authorized by Sections 58.5, 58.6, 58.7, 58.11 and 58.14 of the Environmental Protection Act [415 ILCS 5/58 through 58.8 and 58.10 through 58.14].

SOURCE: Adopted in R97-11 at 21 Ill. Reg. 7889, effective July 1, 1997; amended in R98-27 at 22 Ill. Reg. 19580, effective October 26, 1998; amended in R01-27 and R01-29 at 26 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 740.120 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act.

"Act" means the Environmental Protection Act [415 ILCS 5/1 et seq.].

"Agency" means the Illinois Environmental Protection Agency. [415 ILCS

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5/3.01] "Agency"-means-the-Illinois-Environmental-Protection-Agency-

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. Such costs include costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

"Agricultural facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites. [415 ILCS 5/58.2] (Section-58-2-of-the-Act)

"ASTM" means the American Society for Testing and Materials. [415 ILCS 5/58.2] (Section-58-2-of-the-Act)

"Authorized agent" means a person who is authorized by written consent or by law to act on behalf of an owner, operator, or Remediation Applicant.

"Board" means the Pollution Control Board.

"Contaminant of concern" or "regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant remediation-applicant based upon reasonable inquiry. [415 ILCS 5/58.2] (Section-58-2-of-the-Act)

"Costs" means all costs incurred by the Agency in providing services pursuant to a Review and Evaluation Services Agreement.

"Federal Landholding Entity" means that federal department, agency or instrumentality with the authority to occupy and control the day-to-day use, operation, and management of Federally Owned Property.

"Federally Owned Property" means real property owned in fee by the United States on which an institutional control is or institutional controls are sought to be placed in accordance with this Part.

"GIS" means Geographic Information System.

"GPS" means Global Positioning System.

"Groundwater management zone" or "GMZ" means a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants of concern at a remediation site.

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"Indirect costs" means those costs that cannot be attributed directly to a specific site but are necessary to support the site-specific activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

"Institutional Control" means a legal mechanism for imposing a restriction on land use.

"Laboratory costs" means costs for services and materials associated with identifying, analyzing, and quantifying chemical compounds in samples at a laboratory.

"Land Use Control Memorandum of Agreement" or "LUC MOA" means an Agreement entered into between one or more agencies of the United States and the Illinois Environmental Protection Agency that limits or places requirements upon the use of Federally Owned Property for the purpose of protecting human health or the environment, or that is used to perfect a No Further Remediation Letter that contains land use restrictions.

"Licensed Professional Engineer" or or "LPE" means a person, corporation or partnership licensed under the laws of this State to practice professional engineering. [415 ILCS 5/58.2] (Section-58-2-of-the-Act)

"Licensed Professional Geologist" or "LPG" means an individual who is licensed under the Professional Geologist Licensing Act to engage in the practice of professional geology in Illinois. [225 ILCS 745/15]

"Other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

"Perfect" or "Perfected" means recorded or filed for record so as to place the public on notice, or as otherwise provided in Sections 740.621 and 740.622 of this Part.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency and instrumentality of the United States. [415 ILCS 5/58.2] (Section-58-2-of-the-Act)

"Personal services costs" means costs relative to the employment of

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individuals by the Agency. Such costs include, but are not limited to, hourly wages and fringe benefits.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. (Illinois-Pesticide-Act [415 ILCS 60/4])†

"Practical quantitation limit" or "PQL" or "Estimated quantitation limit" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific laboratory analytical method during routine laboratory operating conditions in accordance with "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 740.125 of this Part. For filtered water samples, PQL also means the Method Detection Limit or Estimated Detection Limit in accordance with the applicable method revision in: "Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010; "Methods for the Determination of Metals in Environmental Samples, Supplement I," EPA Publication No. EPA/600/R-94/111; "Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129; or "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131, all of which are incorporated by reference at Section 740.125 of this Part.

"Reasonably obtainable" means that a copy or reasonable facsimile of the record must be obtainable from a private entity or government agency by request and upon payment of a processing fee, if any.

"Recognized environmental condition" means the presence or likely presence of any regulated substance or pesticide under conditions that indicate a release, threatened release or suspected release of any regulated substance or pesticide at, on, to or from a remediation site into structures, surface water, sediments, groundwater, soil, fill or geologic materials. The term shall not include de minimis conditions that do not present a threat to human health or the environment.

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). [415

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ILCS 5/58.2] (Section-58-2-of-the-Act)

"Regulated substance of concern" or "contaminant of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry. [415 ILCS 5/58.2] (Section-58-2-of-the-Act)

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the federal Federal Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. [415 ILCS 5/3.33] (Section-3-33-of-the-Act)

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7 of the Act, including, but not limited to, the conduct of site investigations, preparation of work plans and reports, removal or treatment of contaminants, construction and maintenance of engineered barriers, and/or implementation of institutional controls. [415 ILCS 5/58.2] (Section-58-2-of-the-Act)

"Remediation Applicant" or "RA" means any person seeking to perform or performing investigative or remedial activities under Title XVII of the Act Title-XVII-of-the-Act, including the owner or operator of the site or persons authorized by law or consent to act on behalf of or in lieu of the owner or operator of the site. [415 ILCS 5/58.2] (Section 58-2-of-the-Act)

"Remediation costs" means reasonable costs paid for investigating and remediating regulated substances of concern consistent with the remedy selected for the site. For purposes of Subpart G of this Part Subpart G--of--this-Part, "Remediation Costs" shall not include costs incurred prior to January 1, 1998, costs incurred after the issuance of a No Further Remediation Letter under Subpart F of this Part, or costs incurred more than 12 months prior to acceptance into the Site Remediation Program under this Part. [415 ILCS 5/58.2] (Section-58-2-of-the-Act)

"Remediation objective" means a goal to be achieved in performing remedial action, including but not limited to the concentration of a

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contaminant, an engineered barrier or engineered control, or an institutional control established under Section 58.5 of the Act or Section 740.Subpart D of this Part.

"Remediation site" means the single location, place, tract of land, or parcel or portion of any parcel of property, including contiguous property separated by a public right-of-way, for which review, evaluation, and approval of any plan or report has been requested by the Remediation Applicant in its application for review and evaluation services. This term also includes, but is not limited to, all buildings and improvements present at that location, place, or tract of land.

"Residential property" means any real property that is used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities, child care facilities, or outdoor recreational areas. [415 ILCS 5/58.2] ~~{Section-58.2-of-the Act}~~

"Review and Evaluation Licensed Professional Engineer" or "RELPE" means the licensed professional engineer with whom a Remediation Applicant has contracted to perform review and evaluation services under the direction of the Agency.

"Site" means any single location, place, tract of land or parcel of property or portion thereof, including contiguous property separated by a public right-of-way. [415 ILCS 5/58.2] ~~{Section-58.2-of-the-Act}~~ This term also includes, but is not limited to, all buildings and improvements present at that location, place or tract of land.

"Soil management zone" or "SMZ" means a three dimensional region containing soil being managed to mitigate contamination caused by the release of contaminants at a remediation site.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.125 Incorporations by Reference

The Board incorporates the following material by reference. These incorporations include no later amendments or editions.

- a) ASTM. American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103. (215) 299-5400

ASTM E 1527-00±527-94, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, vol.

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11.04, approved May 10, 2000. April-15-1994-

- b) U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. (202) 783-3238

"Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods," USEPA EPA Publication No. SW-846 (Third Edition (September 1986)), as amended by Updates I, IIA, IIL, and IIIA (April 1998)). Doc. No. 955-001-00000-1. Update-I-{July-1992}}-

- c) NRTS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. (703) 605-6000 or 1-800-553-6847 {703}-407-4600

"Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010 (June 1991);

"Methods for the Determination of Metals in Environmental Samples, Supplement I," EPA Publication No. EPA/600/R-94/111 (May 1994);

"Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039 (December 1988) (revised July 1991);

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129 (August 1992);

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131 (August 1995).

- d) United States Environmental Protection Agency, Office of Emergency and Remedial Response, Washington, D.C. 20460.

"A Compendium of Superfund Field Operations Methods," EPA/540/0-87-001, OSWER Directive 9355.0-14 (December 1987);

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B," EPA/625/R-93/003a (May 1993);

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D," EPA/625/R-93/003b (May 1993).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES,
PREPARATION OF PLANS AND REPORTS

Section 740.405 Conduct of Site Activities and Preparation of Plans and
Reports by Licensed Professional Engineer--(LPE)

a) All remediation site activities shall be conducted by, or under the supervision of, a Licensed Professional Engineer (LPE). All plans and reports submitted for review and evaluation shall be prepared by, or under the supervision of, an LPE.

b) To the extent authorized by the Professional Geologist Licensing Act [225 ILCS 745], a Licensed Professional Geologist (LPG) may conduct remediation activities under the supervision of an LPE.

c) All plans and reports submitted for review and evaluation shall be prepared by, or under the supervision of, an LPE.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.410 Form and Delivery of Plans and Reports, Signatories and
Certifications

a) All plans and reports prepared under this Part shall be submitted to the Agency on forms prescribed and provided by the Agency with attachments and accompanying documentation as necessary. Plans and reports shall be mailed or delivered to the address designated by the Agency on the forms. Plans and reports that are hand-delivered to the Agency shall be delivered during the Agency's normal business hours.

b) All plans and reports submitted to the Agency shall include:

- 1) The full legal name, address and telephone number of the Remediation Applicant (RA) or any authorized agent acting on behalf of the RA, and any contact persons to whom inquiries and correspondence must be addressed;
- 2) The original signature of the RA or of any authorized agent acting on behalf of the RA;
- 3) The names, registration numbers, license expiration dates, and professional seals of:
 - A) the LPE and LPG performing the remediation site activities and preparing the plan or report; and
 - B) the LPE responsible for supervising the remediation site activities and preparing the plan or report.

3) The name of the LPE responsible for site activities and preparation of the plan or report, the date of preparation, registration number, license expiration date, and professional seal; and

4) Except as provided in subsection (c) of this Section below, the

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LPE responsible for the site investigations, remedial activities, and preparation of the plans or reports shall affirm by original signature as follows:

"I attest that all site investigations or remedial activities that are the subject of this plan or report were performed under my direction and this document and all attachments were prepared under my direction or reviewed by me, and, to the best of my knowledge and belief, the work described in the plan or report has been designed or completed in accordance with the Act, 35 Ill. Adm. Code 740, and generally accepted engineering practices, and the information presented is accurate and complete."

c) If the investigation relies in whole or in part upon investigations or remedial activities conducted before the affirming LPE's assumption of responsibility for site activities, then the LPE is not required to affirm that those portions of the investigation or remedial activities were carried out under his or her direction. However, the LPE shall review the documentation of the prior investigations or remedial activities and evaluate their suitability for compliance with Title XVII of the Act and this Part. Such information may be submitted to the Agency for consideration along with the LPE's written evaluation of suitability, but the Agency shall not be required to accept the information as evidence of compliance with any requirements of the Act or this Part.

d) The RA may elect to prepare and submit for review and approval any and all reports and plans required under this Part individually following the completion of each such activity or concurrently following the completion of all activities, or in any other combination. [415 ILCS 5/58.6(f)] {Section-58-6(f)-of-the-Act}

Section 740.415 Site Investigation -- General

A site investigation shall be performed under this Part to identify, as indicated within the RA's application for review and evaluation services, all or specified recognized environmental conditions existing at the remediation site, the related contaminants of concern, and associated factors that will aid in the identification of risks to human health, safety and the environment, the determination of remediation objectives, and the design and implementation of a Remedial Action Plan.

a) If the RA has elected under the application for review and evaluation services to obtain a No Further Remediation Letter covering all recognized environmental conditions and related contaminants of concern for the remediation site, then the procedures provided under Sections 740.420 and 740.425 of this Part shall be followed.

b) If the RA has elected under the application for review and evaluation services to obtain a No Further Remediation Letter covering a limited number of recognized environmental conditions and related contaminants

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of concern as specified by the RA, then the procedures at Sections 740.430 and 740.435 of this Part shall be followed.

- c) The RA may revise an election at anytime by initiating a modification of the Review and Evaluation Services Agreement under Section 740.220 of this Part and performing the appropriate site investigation, if necessary.

d) Site investigations shall satisfy the following data quality objectives for field and laboratory operations to ensure that all data is scientifically valid and of known precision and accuracy:

- 1) All field sampling activities relative to sample collection, documentation, preparation, labeling, storage, shipment and security, quality assurance and quality control, acceptance criteria, corrective action, and decontamination procedures shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control) and Vol. Two (Field Manual), incorporated by reference at Section 740.125 of this Part. If approved by the Agency, such activities also may be conducted in accordance with ASTM standards, methods identified in "A Compendium of Superfund Field Operations Methods" (EPA/540/0-87-001, OSWER Directive 9355.0-14, December 1987), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B" (EPA/625/1-93/003a, May 1993), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D" (EPA/625/R-93/003b, May 1993), incorporated L, reference at Section 740.125 of this Part, or other procedures.
- 2) All field measurement activities relative to equipment and instrument operation, calibration and maintenance, corrective action, and data handling shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 740.125 of this Part, or with an equipment or instrument manufacturer's or vendor's published standard operating procedures.
- 3) All laboratory quantitative analysis of samples to determine concentrations of regulated substances or pesticides shall be conducted fully in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 740.125 of this Part, relative to all facilities, equipment and instrumentation, operating procedures, sample management, test methods, equipment calibration and maintenance, quality assurance and quality control, corrective action, data reduction and validation, reporting, and records management. The practical quantitation limit (PQL) of the test methods selected must be less than or equal to the most protective Tier I soil remediation objectives in 35 Ill. Adm.

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Code 742.Appendix B, applicable groundwater remediation objectives under 35 Ill. Adm. Code 742.Appendix B, or, if already determined, PGB--for--the--Target-Compound--list--at--Appendix-A--of this-Part7-or7-if-the-site-remediation-objective--concentrations have--been--determined7-the-PGB-must-be-less-than-or-equal-to the remediation objective concentrations for the site. If a contaminant of concern is not identified in Part 742 or the remediation objectives for the site have not been determined, the PQL shall equal the lowest concentration that reliably can be achieved within specified limits of precision and accuracy during routine laboratory operating conditions but shall not be greater than ten times the method detection limit.

- 4) All field or laboratory measurements of samples to determine physical or geophysical characteristics shall be conducted in accordance with ASTM standards or other procedures as approved by the Agency.
- 5) All laboratory quantitative analyses of samples to determine concentrations of any regulated substances or pesticides that require more exacting detection limits or cannot be analyzed by standard methods identified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 740.125 of this Part, shall be conducted in accordance with analytical protocols developed in consultation with and approved by the Agency.

- 6) Effective January 1, 2003, all quantitative analyses of samples collected on or after that date and utilizing any of the approved test methods identified in 35 Ill. Adm. Code 186.180 shall be completed by an accredited laboratory in accordance with the requirements of 35 Ill. Adm. Code 186. Quantitative analyses not utilizing an accredited laboratory in accordance with Part 186 shall be deemed invalid.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.420 Comprehensive Site Investigation

The comprehensive site investigation is designed to identify all recognized environmental conditions and all related contaminants of concern that may be expected to exist at a remediation site. The comprehensive site investigation shall be performed in two phases as set forth below.

- a) Unless an alternative is approved by the Agency, the phase I environmental site assessment shall be designed and implemented in accordance with the procedures for such assessments set forth in "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-00:527-94), incorporated by reference at Section 740.125 of this Part.
- b) The phase II environmental site assessment shall determine the nature,

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concentration, direction and rate of movement, and extent of the contaminants of concern at the remediation site and the significant physical features of the remediation site and vicinity that may affect contaminant fate and transport and risk to human health, safety and the environment. At a minimum, the phase II environmental site assessment shall include:

- 1) Sampling, analyses, and field screening measurements indicating the concentrations of contaminants, if any, from the Target Compound List at Appendix A of this Part and any other contaminants whose presence has been indicated by the phase I environmental site assessment. Based on the phase I environmental site assessment, the Agency may add or delete contaminants from the Target Compound List for sampling, analyses, and field screening measurements;
- 2) Characterization of sources and potential sources of recognized environmental conditions and the related contaminants of concern, identifying:
 - A) The sources or potential sources of contamination;
 - B) The contaminants of concern;
 - C) Statutory or regulatory classification of the contaminants of concern and contaminated materials (e.g., hazardous waste, hazardous substance, special waste);
- 3) Characterization of the extent of contaminants of concern, identifying:
 - A) The actual contaminated medium or media;
 - B) The three-dimensional configuration of contaminants of concern with concentrations delineated; and
 - C) The nature, direction, and rate of movement of the contaminants of concern;
- 4) Characterization of present and post-remediation exposure routes, identifying:
 - A) All natural and man-made pathways that are on the remediation site, in rights-of-way attached to the remediation site, or in any areas surrounding the remediation site that may be adversely affected as a result of a release (from the recognized environmental conditions) and whether there is evidence of migration of contaminants of concern, in either solution or vapors, along such pathways that may potentially threaten human or environmental receptors or that may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults or other spaces;
 - B) The locations of any human and environmental receptors and receptor exposure routes; and
 - C) Current and post-remediation uses of affected or potentially affected land, groundwater, surface water, and sensitive habitats; and
- 5) Characterization of significant physical features of the

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remediation site and vicinity that may affect contaminant fate and transport and risk to human health, safety and the environment.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.425 Site Investigation Report -- Comprehensive Site Investigation

- a) Site investigation results for both phase I and phase II of the comprehensive site investigation shall be combined into one Site Investigation Report.
- b) A Site Investigation Report for a comprehensive site investigation shall include, but not be limited to, the following chapters:
 - 1) Executive summary. This chapter shall identify the objectives of the site investigation and the technical approach utilized to meet such objectives. It shall state whether recognized environmental conditions were identified and the data limitations in the assessment;
 - 2) Site characterization. This chapter shall include the compilation of all sources reviewed and information obtained as a result of the site investigation under Section 740.420 of this Part, including but not limited to:
 - A) Sources consulted or reviewed. This subchapter shall contain a list of reference documents used in completing the site investigation;
 - B) Site history. This subchapter shall present a chronological summary of the historic uses of the remediation site as prescribed by "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-00+527-94), incorporated by reference at Section 740.125 of this Part;
 - C) Site description. This subchapter shall describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, existing and potential migration pathways and exposure routes, and current and post-remediation uses of the remediation site and surrounding areas that are immediately adjacent to the remediation site;
 - D) Site base map(s) meeting the requirements of Section 740.210(a)(7) and including the following:
 - i) The sources or potential sources of the contaminants of concern, spill areas, and other suspected areas for any or all contaminants of concern;
 - ii) On-site and off-site injection and withdrawal wells; and
 - iii) All buildings, tanks, piles, utilities, paved areas, easements, rights-of-way and other features, including

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all known past and current product and waste underground tanks or piping; and

E) A legal description or reference to a plat showing the boundaries of the remediation site;

3) Site-specific physical and chemical methods utilized for contaminant applicable physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, hydrogeological investigations, surface water investigations, and potential receptor investigations;

4) Documentation of field activities. This chapter shall include the results of the field activities to determine physical characteristics. At a minimum, this chapter shall include the following elements:

- A) Narrative description of the field activities conducted during the investigation;
- B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analyses) performed during the investigation, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented; and
- C) Presentation of the data in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;

5) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for contaminants of concern and compare the remediation site information with the applicable provisions of 35 Ill. Adm. Code 742. This chapter shall:

- A) Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases, and evaluate exposure routes excluded under 35 Ill. Adm. Code 742;
- B) Describe all conditions the LPE has determined to be de minimis along with the rationale for each such de minimis determination;
- C) Describe the nature, concentration and extent of contaminants of concern within all environmental media at the remediation site and assess the observed and potential contaminant fate and transport;
- D) Describe the significant physical features of the remediation site and vicinity that may affect contaminant transport and risk to human health, safety and the environment; and
- E) Compare the concentrations of the contaminants of concern with the corresponding Tier 1 remediation objectives under

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35 Ill. Adm. Code 742;

6) Conclusion. This chapter shall assess the sufficiency of the data in the report and recommend future steps;

7) Appendices. References and data sources, including but not limited to field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices with reports containing laboratory analyses of samples collected on or after January 1, 2003, including the following: 7-and

A) Accreditation status of the laboratory performing the quantitative analyses;

B) Certification by an authorized agent of the laboratory that all analyses have been performed in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of accreditation; and

8) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.435 Site Investigation Report -- Focused Site Investigation

a) Data and results from the focused site investigation shall be combined into one Site Investigation Report.

b) A Site Investigation Report for the focused site investigation shall include the results and methodologies of the investigation performed pursuant to Section 740.430 of this Part and the following chapters:

1) Executive summary. This chapter shall identify the objectives of the site investigation and the technical approach utilized to meet such objectives. It shall state the recognized environmental conditions and related contaminants of concern specified by the RA and the data limitations in the assessment;

2) Site description.

A) If a phase I environmental site assessment has been completed in accordance with Section 740.420(a) of this Part, then the results may be submitted in accordance with Section 740.425 of this Part;

B) This subchapter shall state the method used for the evaluation of the remediation site and areas immediately adjacent to the remediation site and document the observations obtained (e.g., grid patterns or other systematic approaches used for large properties). It shall describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, and current and post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;

C) Site base map(s) meeting the requirements of Section 740.210(a)(7) and including the following:

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- i) The sources or potential sources of the contaminants of concern, spill areas, and other suspected areas for the specified contaminants of concern;
- ii) On-site and off-site injection and withdrawal wells; and
- iii) All buildings, tanks, piles, utilities, paved areas, easements, rights-of-way and other features, including all known past and current product and waste underground tanks or piping;
- D) A legal description or reference to a plat showing the boundaries of the remediation site;
- 3) Enforcement or response actions. This chapter shall include the following information as relevant to the recognized environmental conditions:
 - A) A summary of environmental enforcement actions for the remediation site and areas immediately adjacent to the remediation site and their subsequent responses;
 - B) Any previous response actions conducted by either local, State, federal or private parties at those sites; and
 - C) A list of documents and studies prepared for those sites;
- 4) Site-specific sampling plan. This chapter shall indicate those applicable physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, and hydrogeological investigations, surface water investigations, and potential receptor investigations;
- 5) Documentation of field activities. This chapter shall include the results of the field activities to determine physical characteristics. At a minimum, this chapter shall include the following elements:
 - A) Narrative description of the field activities conducted during the investigation;
 - B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analysis) performed during the investigation, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented; and
 - C) Presentation of the data in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;
- 6) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for contaminants of concern related to the recognized environmental conditions and compare the site information with the applicable provisions of 35 Ill. Adm. Code 742. This chapter shall:

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- A) Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases, and evaluate exposure routes excluded under 35 Ill. Adm. Code 742;
 - B) Describe the nature, concentration and extent of contaminants of concern within all environmental media at the remediation site and assess the observed and potential contaminant fate and transport;
 - C) Describe the significant physical features of the remediation site and vicinity that may affect contaminant transport and risk to human health, safety and the environment; and
 - D) Compare the concentrations of the contaminants of concern with the corresponding Tier 1 remediation objectives under 35 Ill. Adm. Code 742;
 - 7) Conclusion. This chapter shall assess the sufficiency of the data in the report and recommend future steps;
 - 8) Appendices. Supporting documentation, references and data sources, including, but not limited to, field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices with reports containing laboratory analyses of samples collected on or after January 1, 2003, including the following:
 - A) Accreditation status of the laboratory performing the quantitative analyses;
 - B) Certification by an authorized agent of the laboratory that all analyses have been performed in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of accreditation; and
 - 9) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.
- (Source: Amended at 26 Ill. Reg. _____, effective _____)
- Section 740.450 Remedial Action Plan**
- If the approved remediation objectives for any regulated substance of concern established under Sections 740.440 and 740.445 of this Part are less than the levels at the remediation site prior to any remedial action, the RA shall prepare a Remedial Action Plan. The plan shall describe the proposed remedial remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the remediation site [415 ILCS 5/58.6(d)] (Section 58-6(d)-of-the-Act), including but not limited to:
- a) Executive summary. This chapter shall identify the objectives of the Remedial Action Plan and the technical approach utilized to meet such objectives. At a minimum, this chapter shall include the following elements:
 - 1) The major components (e.g., treatment, containment, removal

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- actions) of the Remedial Action Plan;
- 2) The scope of the problems to be addressed by the proposed remedial action(s) including the specific contaminants of concern and the physical area to be addressed by the Remedial Action Plan; and
 - 3) Schedule of activities with estimated dates of completion through the recording of the No Further Remediation Letter or execution of an IDOT MOA under Section 740.621 of this Part or a LUC MOA under Section 740.622 of this Part;
 - b) Statement of remediation objectives or reference to Remediation Objectives Report;
 - c) Remedial technologies selected. This chapter shall describe how each major remedial technology identified in the Remedial Action Plan fits into the overall strategy for addressing the recognized environmental conditions at the remediation site, including but not limited to:
 - 1) Feasibility of implementation;
 - 2) Whether the technologies will perform satisfactorily and reliably until the remediation objectives are achieved; and
 - 3) Whether remediation objectives will be achieved within a reasonable period of time;
 - 4) If applicable, a request for a soil management zone under Section 740.535 of this Part describing the steps that will be taken to ensure compliance with the requirements for soil management zones;
 - d) Confirmation sampling plan. This chapter shall describe how the effectiveness of the remedial action will be measured. At a minimum, a site-specific sampling plan a. J quality assurance project plan must be prepared in accordance with the provisions set forth in Section 740.415(d) of this Part;
 - e) Current and post-remediation use of the property;
 - f) Applicable engineered barriers, institutional controls, and groundwater monitoring. This chapter shall describe any such controls selected or relied upon in determining or achieving remediation objectives, including long-term reliability, operating and maintenance plans, and monitoring procedures;
 - g) Appendices. References and other informational sources should be incorporated into the appendices; and
 - h) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.455 Remedial Action Completion Report

- a) Except as provided in subsection (b) below, upon completion of the Remedial Action Plan, the RA shall prepare a Remedial Action Completion Report. The report shall demonstrate whether the remedial

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action was completed in accordance with the approved Remedial Action Plan and whether the remediation objectives, as well as any other requirements of the plan, have been attained. [415 ILCS 5/58.6(e)(1)] {Section-58-6(e)(1)-of-the-Act} The report shall include, but not be limited to:

- 1) Executive summary. This chapter shall identify the overall objectives of the remedial action and the technical approach utilized to meet those objectives, including:
 - A) A brief description of the remediation site, including the recognized environmental conditions, the contaminants of concern, the contaminated media, and the extent of contamination;
 - B) The major components of the Remedial Action Completion Report;
 - C) The scope of the problems corrected or mitigated by the proposed remedial action(s); and
 - D) The anticipated post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;
- 2) Field activities. This chapter shall provide a narrative description of the:
 - A) Field activities conducted during the investigation;
 - B) Remedial actions implemented at the remediation site and the performance of each remedial technology utilized; and
 - C) Measures that were taken to ensure compliance with the requirements for soil management zones under Section 740.535 of this Part, if a soil management zone was used;
- 3) Special conditions. This chapter shall provide a description of any:
 - A) Engineered barriers utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives;
 - B) Institutional controls accompanying engineered barriers or industrial/commercial property uses in accordance with Section 740.450 of this Part and 35 Ill. Adm. Code 742, including a legible copy of any such controls, as appropriate;
 - C) Post-remedial monitoring, including:
 - i) Conditions to be monitored;
 - ii) Purpose;
 - iii) Locations;
 - iv) Frequency; and
 - v) Contingencies in the event of an exceedance; and
 - D) Other conditions, if any, necessary for protection of human health and the environment that are related to the issuance of a No Further Remediation Letter;
- 4) Results. This chapter shall analyze the effectiveness of the remedial actions by comparing the results of the confirmation sampling with the remediation objectives prescribed in the Agency-approved Remedial Action Plan. The data shall state the

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remediation objectives or reference the Remediation Objectives Report and be presented in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;

5) Conclusion. This chapter shall identify the success of the remedial action in meeting objectives. This chapter shall assess the accuracy and completeness of the data in the report and, if applicable, future work;

6) Appendices. References, data sources, and a completed environmental notice form as provided by the Agency shall be incorporated into the appendices. Field logs, well logs and reports of laboratory analyses shall be organized and presented logically with reports of laboratory analyses of samples collected on or after January 1, 2003, including the following; and

A) Accreditation status of the laboratory performing the quantitative analyses;

B) Certification by an authorized agent of the laboratory that all analyses have been performed in accordance with the requirements of 35 Ill. Adm. Code 186 and the scope of accreditation; and

7) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

b) If the approved remediation objectives for the regulated substances of concern established under Sections 740.440 and 740.445 of this Part are equal to or above the levels existing at the site prior to any remedial action, notification and documentation of such, including a description of any engineered barriers, institutional controls, and post-remedial monitoring, shall constitute the entire Remedial Action Completion Report for purposes of this Part. [415 ILCS 5/58.6(e)(2)] (Section-58-6(e)(2)-of-the-Act)

SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

Section 740.525 Standards for Review of Remedial Action Completion Reports and Related Activities

When reviewing Remedial Action Completion Reports and related activities, the Agency or the RUPPE shall consider:

a) Whether the report is complete and has been accompanied by the information and supporting documentation necessary to evaluate the implementation of the Remedial Action Plan and the attainment of the applicable remediation objectives;

b) Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained [415 ILCS 5/58.7(e)(4)] (Section-58-7(e)(4)-of-the-Act); and

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c) If engineered barriers and institutional controls have been relied on, or if monitoring is required, whether the long-term maintenance, operation and enforcement provisions have been established; and;

d) If a soil management zone was used, whether the requirements for the use of soil management zones have been satisfied.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.535 Establishment of Soil Management Zones

a)

1) The purpose of a soil management zone (SMZ) is to allow consideration and approval of on-site solutions to on-site soil contamination without violating the solid waste disposal regulations at 35 Ill. Adm. Code 807 or 811-815.

2) The uses of soil management zones include, but are not limited to, the following:

A) Placement of contaminated soils for structural fill or land reclamation;

B) Consolidation of contaminated soils within a remediation site; and

C) Removal and re-deposit of contaminated soils following on-site treatment that has reduced contaminant concentrations.

b) Upon approval by the Agency of a Remedial Action Plan under Subpart E of this Part, soil that is the subject of a request for a soil management zone shall be classified as a soil management zone if the Remedial Action Plan demonstrates that the following requirements will be satisfied:

1) All contaminants of concern within the remediation site shall be identified by a comprehensive site investigation under Section 740.420 of this Part;

2) The horizontal and vertical dimensions of the soil management zone shall be defined;

3) The uses of the soil management zone shall be defined;

4) All contaminants of concern within the soil management zone shall satisfy the requirements of 35 Ill. Adm. Code 742.305(a) through (f);

5) All applicable requirements of 35 Ill. Adm. Code 742 shall be satisfied within the soil management zone, (e.g., all exposure routes must be addressed; institutional controls and engineered barriers shall be in full compliance with 35 Ill. Adm. Code 742.Subparts J and K);

6) The soil management zone shall be constructed, operated and maintained in a manner that:

A) Prevents odor from occurring;

B) Minimizes fugitive emissions of particulate matter in

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accordance with 35 Ill. Adm. Code 212.Subpart K and dust generation;

C) Prevents the generation of potentially contaminated runoff; and

D) Does not provide a breeding place or food source for vectors;

7) Within the soil management zone, management of soil containing hazardous wastes shall comply with the applicable requirements of the Resource Conservation and Recovery Act (42 USCA 6901-6992k) and 35 Ill. Adm. Code 700-730; and

8) Soil containing contaminants of concern above the concentrations in 35 Ill. Adm. Code 742.Appendix B, Table A (Tier 1 objectives for residential properties) or approved by the Agency pursuant to 35 Ill. Adm. Code 742.510(c) may not be treated or placed in any area where all contaminants of concern within the remediation site are at or below the concentrations in 35 Ill. Adm. Code 742.Appendix B, Table A (Tier 1 objectives for residential properties) or approved by the Agency pursuant to 35 Ill. Adm. Code 742.510(c).

c) The three-dimensional boundaries of the soil management zone shall be as defined in the approved Remedial Action Plan. The size of the soil management zone may be modified in an amended Remedial Action Plan. The soil management zone may not extend beyond the boundaries of the remediation site.

d) Soil management zones designated under this Section shall remain in effect for the shortest of the following:

1) A period of time as set forth by the Agency in the Remedial Action Plan approval letter based on the schedule of activities provided under Section 740.425(a)(3). The time may be revised in an amended Remedial Action Plan as approved by the Agency;

2) Until an Agreement is terminated under Sections 740.225 or 740.230 of this Part; or

3) Until the NFR Letter is perfected in accordance with Section 740.620 of this Part.

e) In addition to any other legal remedies available under the Act and implementing regulations, the Agency may terminate a soil management zone and require alternative remediation plans to be submitted in an amended Remedial Action Plan upon a failure to comply with any requirements of subsection (b) of this Section.

1) Notice of the termination shall be in accordance with Section 740.215(b) of this Part and shall state the reasons for the termination.

2) The RA may file an appeal to the Board within 35 days after receipt of the notice. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act.

f) If implementation of an approved Remedial Action Plan with a soil management zone fails to achieve the remediation objectives developed

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under Section 740.440 of this Part, alternative soil remediation objectives, and, if necessary, an amended Remedial Action Plan, shall be developed under Subpart D of this Part.

1) Upon the development of alternative soil remediation objectives, the Remediation Objectives Report shall be amended accordingly and submitted to the Agency for review and approval.

2) Upon approval of the Remediation Objective Report, the Remedial Action Plan shall be amended and submitted to the Agency for review and approval unless the RA can demonstrate that the alternative soil remediation objectives have been achieved. In that case, the RA shall submit a Remedial Action Completion Report documenting the achievement of the alternative soil remediation objectives.

g) Any otherwise applicable standards or requirements under 35 Ill. Adm. Code 807 or 811 through 815 shall not be applicable to the management of contaminated soil that is the subject of the soil management zone if:

1) The SMZ is in effect and management of the contaminated soil within the SMZ is in compliance with the requirements of this Section and the approved Remedial Action Plan; or

2) A No Further Remediation Letter addressing the contaminants that were the subject of the SMZ has been perfected under Section 740.620 of this Part and remains in effect and management of the contaminated soil within the area formerly encompassed by the SMZ is in compliance with the terms of that No Further Remediation Letter.

(Source: Added at 26 Ill. Reg. _____, effective _____)

SUBPART F: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

Section 740.605 Issuance of No Further Remediation Letter

a) Except as provided in Section 740.615 below, within 30 days after the Agency's approval of a Remedial Action Completion Report, the Agency shall issue a No Further Remediation Letter applicable to the remediation site. In the event that the Agency fails to issue the No Further Remediation Letter within 30 days after approval of the Remedial Action Completion Report, the No Further Remediation Letter shall issue by operation of law. [415 ILCS 5/58.10(b)] (Section 58-10(b)-of-the-Act) The No Further Remediation Letter shall have the legal effect prescribed in Section 58.10 of the Act.

b) The No Further Remediation Letter shall be issued only to Remediation Applicants who have completed all requirements and received final approval of the Remedial Action Completion Report by the Agency or on appeal.

c) The Agency shall mail the No Further Remediation Letter by registered

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or certified mail, post-marked with a date stamp and with return receipt requested. If the RA is not the sole owner of the Remediation Site, the Agency shall send a copy of the No Further Remediation Letter simultaneously to the owner(s) by first class mail. Final action shall be deemed to have taken place on the post-marked date that the letter is mailed.

- d) The Agency at any time may correct errors in No Further Remediation Letters arising from oversight, omission or clerical mistake. Upon correction of the No Further Remediation Letter, the Agency shall mail the corrected letter to the RA, the property owner(s), or both as set forth in subsection (c) of this Section. The corrected letter shall become effective and shall be perfected as provided in Sections 740.620 or 740.621 of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.610 Contents of No Further Remediation Letter

- a) Except as provided in subsection (b) below, a No Further Remediation Letter issued pursuant to Section 58.10 of the Act shall be limited to and include all of the following:
- 1) an acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;
 - 2) A description of the remediation site by adequate legal description or by reference to a plat showing the boundaries, or by other means sufficient to identify site location with particularity;
 - 3) The level of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;
 - 4) A statement that the Agency's issuance of the No Further Remediation Letter signifies a release from further responsibilities under the act Aet in performing the approved remedial action and shall be considered prima facie evidence that the site does not constitute a threat to human health and the environment and does not require further remediation under the act Aet if utilized in accordance with the terms of the No Further Remediation Letter. If the remediation site includes a portion of a larger parcel of property or if the RA has elected to limit the recognized environmental conditions and related contaminants of concern to be remediated, or both, the No Further Remediation Letter shall be limited accordingly by its terms;
 - 5) The prohibition against the use of any remediation site in a manner inconsistent with any land use limitation imposed as a result of such remediation efforts without additional appropriate remedial activities;
 - 6) A description of any preventive, engineering, and institutional

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controls or monitoring required in the approved Remedial Action Plan and notification that failure to manage the controls or monitoring in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter;

- 7) The recording obligations pursuant to Title XVII of the Act and Section 740.620 of this Part;
- 8) The opportunity to request a change in the recorded land use pursuant to Title XVII of the Act and Section 740.620(c) of this Part; and
- 9) Notification that further information regarding the remediation site can be obtained from the Agency through a request under the freedom of information act Information-Aet [5 ILCS 140]. [415 ILCS 5/58.10(b)(1)-(9)] {Section-58-10(b)(1)-(9)-of-the-Act}
- b) If only a portion of the site or only selected regulated substances or pesticides at a site were the subject of corrective action, the No Further Remediation Letter may contain any other provisions agreed to by the Agency Agency and the RA. [415 ILCS 5/58.10(b)(10)] {Section 58-10(b)(10)-of-the-Act}

Section 740.615 Payment of Fees

- a) The Agency may deny or void a No Further Remediation Letter if fees applicable under the Review and Evaluation Services Agreement have not been paid in full. [415 ILCS 5/58.10(c)] {Section-58-10(c)-of-the-Act} The manner of payment shall be in accordance with Section 740.320 of this Part.
- b) In addition to the fees applicable under the Review and Evaluation Services Agreement, the recipient of the No Further Remediation Letter shall forward to the Agency a No Further Remediation Assessment in the amount of the lesser of \$2500 or an amount equal to the costs incurred for the site by the Agency under the Agreement. [415 ILCS 5/58.10(g)] {Section-58-10(g)-of-the-Act}
- 1) The No Further Remediation Assessment shall be mailed or delivered to the Agency at the address designated by the Agency on the request for payment service forms no later than 45 days following the receipt of the request for payment. Payments that are hand-delivered shall be delivered during the Agency's normal business hours.
- 2) The No Further Remediation Assessment shall be made by check or money order payable to "Treasurer - State of Illinois for Deposit in the Hazardous Waste Fund." The check or money order shall include the Illinois inventory identification number as assigned and the Federal Employer Identification Number or Social Security Number of the RA.
- 3) The No Further Remediation Letter shall be voidable in accordance with Section 740.625 if the No Further Remediation Assessment is not paid within 45 days after the receipt of the request for

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payment.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.620 Duty to Record No Further Remediation Letter

a) Except as provided in Sections 740.621 and 740.622 of this Part, the RA receiving a No Further Remediation Letter from the Agency pursuant to Title XVII of the Act and this Subpart F shall submit the letter, and, where the RA is not the sole owner of the remediation site, an owner certification in accordance with subsection (d) below, to the Office of the Recorder or the Registrar of Titles of the county in which the remediation site is located within 45 days after receipt of the letter. [415 ILCS 5/58.8(a)] {Section-58-8(a)-of-the-Act}

1) The Office of the Recorder or the Registrar of Titles shall accept and record that letter and, where applicable, the owner certification under subsection (d) below in accordance with Illinois law so that it forms a permanent part of the chain of title for the site. [415 ILCS 5/58.8(a)] {Section-58-8(a)-of-the-Act}

2) In the event that a No Further Remediation Letter issues by operation of law pursuant to Title XVII of the Act and this Subpart F, the RA may record an affidavit stating that the letter issued by operation of law. [415 ILCS 5/58.8(d)] {Section 58-8(d)-of-the-Act} Attached to the affidavit shall be the following information:

A) An acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;

B) A description of the location of the remediation site by adequate legal description or by reference to a plat showing its boundaries;

C) The level of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;

D) A statement that the No Further Remediation Letter signifies a release from further responsibilities under the Act in performing the approved remedial action and shall be considered prima facie evidence that the following, as identified in the scope of work and the approved Remedial Action Plan, does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of the No Further Remediation Letter:

- i) The remediation site;
- ii) Selected recognized environmental conditions and related contaminants of concern at the remediation

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site; and

iii) A combination of (D)(i) or (D)(ii) above;

E) The prohibition against the use of any remediation site in a manner inconsistent with any property use limitation imposed as a result of such remediation efforts without additional appropriate remedial activities;

F) A description of any preventive, engineering, and institutional controls or monitoring required in the approved Remedial Action Plan and notification that failure to manage the controls or monitoring in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter;

G) The opportunity to request a change in the recorded land use pursuant to Title XVII of the Act and subsection (c) below;

H) Notification that further information regarding the remediation site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140]; and

I) An owner certification in accordance with subsection (d) below, where applicable.

b) Except as provided in Sections 740.621 and 740.622 of this Part, a No Further Remediation Letter or the affidavit filed under subsection (a)(2) above shall be perfected upon the date of the official recording of the letter or affidavit. An unperfected No Further Remediation Letter is effective only as between the Agency and the Remediation Applicant. The Agency may, pursuant to Section 740.625 of this Part, void a No Further Remediation Letter for failure to perfect in a timely manner in accordance with subsection (a) of this Section. ~~shall not become effective until officially recorded along with the owner certification under subsection (d) below where applicable, in accordance with subsection (a) above.~~ {Section-58-8(b)-of-the-Act} The RA shall obtain and submit to the Agency, within 30 days after recording, a copy of the letter or affidavit and the owner certification under subsection (d) below, where applicable, demonstrating that the recording requirements have been satisfied.

c) At no time shall any remediation site for which a land use limitation XVII of the Act be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained and recorded in accordance with Title XVII of the Act and this Part. [415 ILCS 5/58.8(c)] {Section-58-8(c)-of-the-Act}

d) Where the RA is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or the authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The certification shall be recorded in accordance with this Section, along with the No Further Remediation

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Letter or an affidavit under subsection (a)(2) above. The certification shall read as follows:

I hereby certify that I have reviewed the attached No Further Remediation Letter for "affidavit" if filed under subsection (a)(2) above], and that I accept the terms and conditions and any land use limitations set forth in the letter [or "affidavit"].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 740.621 Requirements for No Further Remediation Letters Issued to Illinois Department of Transportation Remediation Sites Located in Rights-of-Way

a) To perfect a No Further Remediation Letter for a remediation site of the Illinois Department of Transportation (IDOT) located in whole or in part in an IDOT right-of-way, IDOT shall enter into a Memorandum of Agreement (MOA) with the Agency. If IDOT and the Agency have entered into a master MOA, the parties' addition of the site to the master agreement shall satisfy the requirements of this Section. The MOA shall include, but is not limited to:

- 1) The name of the remediation site, if any, and any IDOT and Agency identifiers (e.g., incident number, Illinois inventory identification number);
- 2) The address of the remediation site (or other description sufficient to identify the location of the site with certainty);
- 3) A copy of the NFR Letter for each site subject to the MOA;
- 4) Procedures for tracking remediation sites subject to the MOA so that all IDOT bureaus whose responsibilities (e.g., land acquisition, maintenance, construction, utility permits) may affect land use limitations will have notice of any environmental concerns and land use limitations applicable to a remediation site;
- 5) Provisions addressing future conveyances (including title or any lesser form of interest) or jurisdictional transfers of the remediation site to any other agency, private person or entity and the steps that will be taken to ensure the long-term integrity of any land use limitations including, but not limited to, the following:
 - A) Upon creation of a deed, the recording of the NFR Letter and any other land use limitations requiring recording under 35 Ill. Adm. Code 742 with copies of the recorded instruments sent to the Agency within 30 days of recording;
 - B) Any other arrangements necessary to ensure that property that is conveyed or transferred remains subject to any land use limitations approved and implemented as part of the Remedial Action Plan and the NFR Letter;

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C) Notice to the Agency at least 60 days prior to any such intended conveyance or transfer indicating the mechanism(s) to be used to ensure that any land use limitations will be operated or maintained as required in the Remedial Action Plan and NFR Letter; and

6) Provisions for notifying the Agency if any actions taken by IDOT or its permittees at the remediation site result in the failure or inability to restore the remediation site to meet the requirements of the Remedial Action Plan and the NFR Letter.

b) An NFR Letter issued to an IDOT remediation site in an IDOT right-of-way shall be incorporated into a MOA within 45 days after its receipt.

c) At no time shall any remediation site for which a land use limitation has been imposed as a result of remediation activities under Title XVII of the Act be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained. If title to the remediation site remains with IDOT, the new No Further Remediation Letter shall be incorporated into the MOA and the MOA amended accordingly.

d) In addition to any other legal remedies that may be available, failure to comply with the requirements of this Section may result in avoidance of the No Further Remediation Letter in accordance with Section 740.625 of this Part.

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 740.622 Requirements for Perfection of No Further Remediation Letters Issued to Federal Landholding Entities Without Authority to Record Institutional Controls

a) For sites on Federally Owned Property subject to this Part for which the Federal Landholding Entity does not have the authority under federal law to record institutional controls on the chain of title, the following requirements shall apply:

1) To perfect a No Further Remediation Letter containing any restriction on future land use(s) the Landholding Entity or Entities responsible for the site must enter into a Land Use Control Memorandum of Agreement ("LUC MOA") with the Agency that requires the Federal Landholding Entity to do, at a minimum, the following:

A) Identify the location of the Federally Owned Property of the site subject to the No Further Remediation Letter. Such identification shall be by means of common address, notations in any available facility master land use plan, site specific GIS or GPS coordinates, plat maps, or any

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other means that identifies the site in question with particularity;

- B) Implement periodic site inspection procedures that ensure oversight by the Federal Landholding Entities of any land use limitations or restrictions imposed pursuant to the No Further Remediation Letter;
 - C) Implement procedures for the Federal Landholding Entities to periodically advise the Agency of continued compliance with all maintenance and inspection requirements set forth in the LUC MOA;
 - D) Implement procedures for the Federal Landholding Entities to notify the Agency of any planned or emergency changes in land use that may adversely impact land use limitations or restrictions imposed pursuant to the No Further Remediation Letter;
 - E) Notify the Agency at least 60 days in advance of a conveyance by deed or fee simple title, by the Federal Landholding Entities, of the site or sites subject to the No Further Remediation Letter, to any entity that will not remain or become a Federal Landholding Entity, and provide the Agency with information about how the Federal Landholding Entities will ensure the No Further Remediation Letter is recorded on the chain of title upon transfer of the property with confirmation of recording provided to the Agency; and
 - F) Attach to the LUC MOA a copy of the No Further Remediation Letter for each site subject to the LUC MOA.
- 2) To perfect a No Further Remediation Letter containing no restrictions on future land use(s), the Federal Landholding Entity shall submit the letter to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days after receipt of the letter. The letter shall be filed in accordance with Illinois law so it forms a permanent part of the chain of title. The Federal Landholding Entity shall obtain and submit to the Agency, within 30 days after recording, a copy of the letter demonstrating that the recording requirements have been satisfied.
- b) Failure to comply with the requirements of this subsection and the LUC MOA may result in avoidance of the No Further Remediation Letter as well as any other penalties that may be available.

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 740.625 Avoidance of No Further Remediation Letter

- a) The No Further Remediation Letter shall be voidable if the remediation site activities are not managed in full compliance with the provisions

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of Title XVII of the Act, this Part, or the approved Remedial Action Plan or remediation objectives upon which the issuance of the No Further Remediation Letter was based. Specific acts or omissions that may result in avoidance of the No Further Remediation Letter include, but shall not be limited to:

- 1) Any violation of institutional controls or land use restrictions, if applicable;
 - 2) The failure of the owner, operator, RA, or any subsequent transferee to operate and maintain preventive or engineering controls or to comply with a groundwater monitoring plan, if applicable;
 - 3) The disturbance or removal of contamination that has been left in place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
 - 4) The failure to comply with the recording requirements of Title XVII of the Act and Section 740.620 of this Part;
 - 5) Obtaining the No Further Remediation Letter by fraud or misrepresentation;
 - 6) Subsequent discovery of contaminants not identified as part of the investigative or remedial activities upon which the issuance of the No Further Remediation Letter was based, that pose a threat to human health or the environment;
 - 7) The failure to pay the No Further Remediation Assessment required under Section 740.615(b) of this Part. [415 ILCS 5/58.10(e)] {Section-50-10(f)-of-the-Act}
 - 8) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within 45 days after receiving a request for final payment under Section 740.310 of this Part.
 - 9) The failure to comply with the requirements of Section 740.621 of this Part for No Further Remediation Letters issued to remediation sites of the Illinois Department of Transportation (IDOT) located in IDOT rights-of-way.
 - 10) The failure to comply with the requirements of Section 740.622 of this Part or the failure to record a No Further Remediation Letter perfected in accordance with Section 740/622 within 45 days following transfer of the Federally Owned Property subject to the No Further Remediation Letter to any entity that will not remain or become a Federal Landholding Entity; or
 - 11) The failure to comply with the notice or confirmation requirements of 35 Ill. Adm. Code 742.1010(b)(3), 742.1015(b)(5) or 742.1015(c).
- b) If the Agency seeks to void a No Further Remediation Letter, it shall provide notice to the current title holder of the remediation site and to the RA at his or her last known address. [415 ILCS 5/58.10(f)] {Section-50-10(f)-of-the-Act}
- 1) The notice shall specify the cause for the avoidance and describe

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facts in support of that cause. [415 ILCS 5/58.10(f)] {Section 58-10(f)-of-the-Act}

2) The Agency shall mail notices of avoidance by registered or certified mail, date stamped with return receipt requested.

c) Within 35 days after the receipt of the Notice of Avoidance, the RA or current title holder of the remediation site may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act. If the Board fails to take final action within 120 days, unless such time period is waived by the petitioner, the petition shall be deemed denied and the petitioner shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of the Act. The Agency shall have the burden of proof in any such action. [415 ILCS 5/58.10(f)(1)] {Section-58-10(f)-of-the-Act}

1) If the Agency's action is appealed, the action shall not become effective until the appeal process has been exhausted and a final decision reached by the Board or courts. [415 ILCS 5/58.10(f)(3)] {Section-58-10(f)-of-the-Act}

A) Upon receiving a notice of appeal, the Agency shall file a notice of lis pendens with the Office of the Recorder or the Registrar of Titles for the county in which the remediation site is located. The notice shall be filed in accordance with Illinois law so that it becomes a part of the chain of title for the site. [415 ILCS 5/58.10(f)(4)] {Section 58-10(f)-of-the-Act}

B) If the Agency's action is not upheld on appeal, the notice of lis pendens shall be removed in accordance with Illinois law within 45 days after receipt of the final decision of the Board or the courts. [415 ILCS 5/58.10(f)(4)] {Section 58-10(f)-of-the-Act}

2) If the Agency's action is not appealed, the Agency shall submit the notice of avoidance to the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title for the site. [415 ILCS 5/58.10(f)(2)] {Section-58-10(f)-of-the-Act}

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART H: REQUIREMENTS RELATED TO SCHOOLS

Section 740.800 General

a) The purpose of Subpart H is to ensure that children and the general public are not exposed to harmful pollutants at a remediation site intended for future use as a school that has been enrolled in the Site Remediation Program, thereby protecting human health and the

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environment.

b) For the purposes of this Subpart, the term "school" means any public educational facility in Illinois, including grounds and/or campus, consisting of students, comprising one or more grade groups or other identifiable groups, organized as one unit with one or more teachers to give instruction of a defined type. Public educational facility includes, but is not limited to, primary and secondary (kindergarten - 12th grade), charter, vocational, alternative, and special education schools. Public educational facility does not include junior colleges, colleges, or universities.

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 740.805 Requirements Prior to Public Use

A remediation site, or any building or structures contained within the boundary lines of the site, that is enrolled in the Site Remediation Program and is intended for future use as a school shall not be made available for use by the general public without first completing its Remedial Action Plan and receiving a NFR Letter from the Agency. This section shall not be construed to exempt a RA from any additional requirements set forth in Section 58.15 of the Environmental Protection Act [415 ILCS 5/58.15].

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 740.810 Engineered Barriers and Institutional Controls

a) The RA or any subsequent transferee of a remediation site subject to this Subpart H shall arrange with an LPE for an inspection of the remediation site within 120 days before every fifth anniversary of the date of issuance of the NFR Letter. The purpose of the inspection shall be to determine whether or not the effectiveness of all engineered barriers and institutional controls required by the Remedial Action Plan and the NFR Letter has been maintained.

1) The LPE shall prepare a report on the results of the inspection, itemizing each engineered barrier and institutional control and whether or not the effectiveness of each engineered barrier and institutional control has been maintained. If the effectiveness of any engineered barrier or institutional control has been compromised, the LPE shall describe the nature of the defects.

2) The LPE responsible for the site inspection and preparation of the report shall affirm by original signature as follows:

"I attest that the inspection of the remediation site to confirm the effectiveness of the engineered barriers and institutional controls required by the Remedial Action Plan and the NFR Letter

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- environmental conditions and related contaminant of concern identified at the remediation site;
- 7) A statement that the site has been enrolled in the Site Remediation Program, will be undergoing environmental site investigations, and may require environmental remediation prior to use as a school site;
- 8) The name of a contact person and telephone number where that person may be reached; and
- 9) The location and hours of the repository established pursuant to Section 740.820 of this Part.

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 740.820 Establishment of Document Repository

No later than 10 days after receipt of the Agency's notice of acceptance into the Site Remediation Program of a remediation site intended for future use as a school, the RA shall establish a repository where documents prepared by the RA for the Agency and by the Agency for the RA may be viewed and/or copies obtained. The repository shall be located and open to the public at a place and at times convenient to interested and affected persons. The RA shall update the repository promptly and continuously as documents are generated throughout the remediation process.

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 740.825 Fact Sheet

No later than 10 days after submission to the Agency of a Remedial Action Plan for a remediation site intended for future use as a school, the RA shall mail to interested and affected persons, public officials, and organizations a Fact Sheet. For assistance in determining who an interested and affected person may be, an RA may look to the Agency guidance document on community relations, "Community Relations in the Site Remediation Program". The Fact Sheet shall contain the following information:

- a) The location and boundary lines of the remediation site;
- b) A site history;
- c) A description of the intended use of the site (e.g., buildings, playgrounds, athletic fields);
- d) A description of the surrounding land uses;
- e) The nature and extent of the recognized environmental conditions and related contaminants of concern identified at the remediation site;
- f) A description of the steps that are proposed in the Remedial Action Plan to address the recognized environmental conditions and related contaminants of concern;
- g) The nature of the NFR Letter requested (e.g., focused or

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- was performed under my direction and that:
- A) This document and all attachments were prepared under my direction or reviewed by me; and;
- B) To the best of my knowledge and belief, the work and conclusions described in this report are in accordance with the requirements of 35 Ill. Adm. Code 740 and 742, the site's Remedial Action Plan and NFR Letter, and generally accepted engineering practices; and
- C) The information presented is accurate and complete.

- 2) The LPE's report shall be submitted to the Agency no later than every fifth anniversary of the date of issuance of the NFR Letter.

- b) The Agency may void the NFR Letter in accordance with Section 740.625 if:

- 1) An LPE's report is not submitted to the Agency by any fifth anniversary of the date of issuance of the NFR Letter; or
- 2) The LPE's report indicates that the effectiveness of any engineered barrier or institutional control has not been maintained.
- c) The requirements of this Section shall not apply to a remediation site if no engineered barriers or institutional controls were required under the Remedial Action Plan and the NFR Letter, or if the remediation site is no longer used as a school site.
- d) If the site is transferred to a third-party, the transferor of the site is required to notify the Agency of such changes.

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 740.815 Public Notice of Site Remedial Action Plan

- a) No later than 10 days after receipt of the Agency's notice of acceptance into the Site Remediation Program of a remediation site intended for future use as a school, the RA shall mail written notice to interested and affected persons, public officials and organizations of the site's enrollment into the program. For assistance in determining who an interested and affected person may be, an RA may look to the Agency guidance document on community relations, "Community Relations in the Site Remediation Program".
- The notice shall, at a minimum, contain the following information:

- b) 1) Name and address of the RA;
- 2) The location and boundary lines of the remediation site;
- 3) A description of the intended use of the site (e.g., building, playgrounds, athletic fields);
- 4) A description of the surrounding land uses;
- 5) A description of the site history including past uses;
- 6) To the extent known, the nature and extent of the recognized

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comprehensive, reliance on engineered barriers or institutional controls).

- h) The name of a contact person and telephone number where that person may be reached to answer questions and to arrange for meetings with concerned members of the community; and
- i) The location and hours of the repository established pursuant to Section 740.820 of this Part.

(Source: Added at 26 Ill. Reg. _____, effective _____)

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Section 740. APPENDIX A Target Compound List

Section 740. TABLE A Volatile Organics Analytical Parameters and Required Quantitation Limits

CAS No.	Compound	Water (µg/l)	Soil (µg/kg)	Method
74-87-3	Chloromethane	±0	±0	8260B 0260A
74-83-9	Bromomethane	±0	±0	8260B 0260A
75-01-4	Vinyl Chloride	±0	±0	8260B 0260A
75-00-3	Chloroethane	±0	±0	8260B 0260A
75-09-2	Methylene Chloride	±0	±0	8260B 0260A
67-64-1	Acetone	±0	±0	8260B 0260A
75-15-0	Carbon Disulfide	±0	±0	8260B 0260A
75-35-4	1,1-Dichloroethene	±0	±0	8260B 0260A
75-34-3	1,1-Dichloroethane	±0	±0	8260B 0260A
540-59-0	1,2-Dichloroethene (total)	±0	±0	8260B 0260A
156-59-2	Cis-1,2-Dichloroethene	±0	±0	8260B 0260A
156-60-5	Trans-1,2-Dichloroethene	±0	±0	8260B 0260A
67-65-3	Chloroform	±0	±0	8260B 0260A
107-06-2	1,2-Dichloroethane	±0	±0	8260B 0260A
78-93-3	2-Butanone	±0	±0	8260B 0260A
71-55-6	1,1,1-Trichloroethane	±0	±0	8260B 0260A
56-23-5	Carbon Tetrachloride	±0	±0	8260B 0260A
75-27-4	Bromodichloromethane	±0	±0	8260B 0260A
78-87-5	1,2-Dichloropropane	±0	±0	8260B 0260A
10061-01-5	cis-1,3-Dichloropropene	±0	±0	8260B 0260A
79-01-6	Trichloroethene	±0	±0	8260B 0260A
124-48-1	Dibromochloromethane	±0	±0	8260B 0260A
79-00-5	1,1,2-Trichloroethane	±0	±0	8260B 0260A
71-43-2	Benzene	±0	±0	8260B 0260A
10061-02-6	trans-1,3-Dichloropropene	±0	±0	8260B 0260A
75-25-2	Bromoform	±0	±0	8260B 0260A
1634-04-4	Methyl Tertiary-Butyl Ether	±0	±0	8260B 0260A
108-10-1	4-Methyl-2-pentanone	±0	±0	8260B 0260A
591-78-6	2-Hexanone	±0	±0	8260B 0260A
127-18-4	Tetrachloroethene	±0	±0	8260B 0260A
108-88-3	Toluene	±0	±0	8260B 0260A
79-34-5	1,1,2,2-Tetrachloroethane	±0	±0	8260B 0260A
108-90-7	Chlorobenzene	±0	±0	8260B 0260A
100-41-4	Ethylbenzene	±0	±0	8260B 0260A
100-42-5	Styrene	±0	±0	8260B 0260A
1330-20-7	Xylenes (total)	±0	±0	8260B 0260A

Required--Quantitation--Limits--for--soil--are--based--on--wet--weight--Normally--data is--reported--on--a--dry--weight--basis--therefore--Reporting--Limits--will--be--higher--based--on--the--percent--dry--weight--in--each--sample--The laboratory shall report

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nonsurrogate components, tentatively identified by library search conducted per the guidelines contained in the analytical method.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 740. TABLE B Semivolatile Organic Analytical Parameters and Required Quantitation Limits

CAS No.	Compound	Water (µg/l)	Soil (µg/kg)	Method
108-95-2	Phenol	±0	660	8270C 0370A
111-44-4	bis(2-Chloroethyl) ether	±0	660	8270C 0370A
95-57-8	2-Chlorophenol	±0	660	8270C 0370A
95-50-1	1,2-Dichlorobenzene	±0	660	8270C 0370A
541-73-1	1,3-Dichlorobenzene	±0	660	8270C 0370A
106-46-7	1,4-Dichlorobenzene	±0	660	8270C 0370A
95-48-7	2-Methylphenol	±0	660	8270C 0370A
108-60-1	2,2'-oxybis (1-chloropropane)	±0	660	8270C 0370A
106-44-5	4-Methylphenol	±0	660	8270C 0370A
621-64-7	N-Nitroso-di-n-propylamine	±0	660	8270C 0370A
67-72-1	Hexachloroethane	±0	660	8270C 0370A
98-95-3	Nitrobenzene	±0	660	8270C 0370A
78-59-1	Isophorone	±0	660	8270C 0370A
88-75-5	2-Nitrophenol	±0	660	8270C 0370A
105-67-9	2,4-Dimethylphenol	±0	660	8270C 0370A
111-91-1	bis(2-Chloroethoxy) methane	±0	660	8270C 0370A
120-83-2	2,4-Dichlorophenol	±0	660	8270C 0370A
120-82-1	1,2,4-Trichlorobenzene	±0	660	8270C 0370A
91-20-3	Napthalene	±0	660	8270C 8310
106-47-8	4-Chloroaniline	±0	660	8270C 0370A
87-68-3	Hexachlorobutadiene	±0	660	8270C 0370A
59-50-7	4-Chloro-3-methylphenol	±0	660	8270C 0370A
91-57-6	2-Methylnaphthalene	±0	660	8270C 0370A
77-47-4	Hexachlorocyclopentadiene	±0	660	8270C 0370A
88-06-2	2,4,6-Trichlorophenol	±0	660	8270C 0370A
95-96-4	2,4,5-Trichlorophenol	25	±600	8270C 0370A
91-58-7	2-Chloronaphthalene	±0	660	8270C 0370A
88-74-4	2-Nitroaniline	25	±600	8270C 0370A
131-11-3	Dimethylphthalate	±0	660	8270C 0370A
208-96-8	Acenaphthylene Acenaphthalene	±0	660	8270C 8310
606-20-2	2,6-dinitrotoluene	±0	660	8270C 0370A
99-09-2	3-Nitroaniline	25	±600	8270C 0370A
83-32-9	Acenaphthene	±0	660	8270C 8310
51-28-5	2,4-Dinitrophenol	25	±600	8270C 0370A
100-02-7	4-Nitrophenol	25	±600	8270C 0370A
132-64-9	Dibenzofuran	±0	330	8270C 0370A
121-14-2	2,4-Dinitrotoluene	±0	330	8270C 0370A
84-66-2	Diethylphthalate	±0	330	8270C 0370A
7005-72-3	4-Chlorophenyl-phenyl ether	±0	330	8270C 0370A

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86-73-7	Fluorene Fluorine	±0	330	8270C 8310 0270A
100-01-6	4-Nitroaniline	25	±600	8270C 0270A
534-52-1	4,6-Dinitro-2-methylphenol	25	±600	8270C 0270A
86-30-6	N-nitrosodiphenylamine	±0	330	8270C 0270A
101-55-3	4-Bromophenyl-phenyl ether	±0	330	8270C 0270A
118-74-1	Hexachlorobenzene	±0	330	8270C 0270A
87-86-5	Pentachlorophenol	25	±600	8270C 0270A
85-01-8	Phenanthrene	±0	660	8270C 8310 0270A
120-12-7	Anthracene	±0	660	8270C 8310 0270A
86-74-8	Carbazole	±0	660	8270C 0270A
84-74-2	Di-n-butylphthalate	±0	660	8270C 0270A
206-44-0	Fluoranthene	±0	660	8270C 8310 0270A
129-00-0	Pyrene	±0	660	8270C 8310 0270A
85-68-7	Butylbenzylphthalate	±0	660	8270C 0270A
91-94-1	3,3'-Dichlorobenzidine	±0	660	8270C 0270A
56-55-3	Benzo(a)anthracene	±0	660	8270C 8310 0270A
218-01-9	Chrysene	±0	660	8270C 8310 0270A
117-81-7	bis(2-Ethylhexyl)phthalate	±0	660	8270C 0270A
117-84-0	Di-n-octylphthalate	±0	660	8270C 0270A
205-99-2	Benzo(b)fluoranthene	±0	660	8270C 8310 0270A
207-08-9	Benzo(k)fluoranthene	±0	660	8270C 8310 0270A
50-32-8	Benzo(a)pyrene	±0	660	8270C 0270A
193-39-5	Indeno(1,2,3-cd)pyrene	±0	660	8270C 8310 0270A
53-70-3	Dibenz(a,h)anthracene	±0	660	8270C 0270A
191-24-2	Benzo(g,h,i)perylene	±0	660	8270C 8310 0270A

Required-Quantitation-Limits-for-soil-are-based-on-wet-weight----Normally--data is--reported-on-a-dry-weight-basis;--therefore-Reporting-Limits-will-be-higher based-on-the-percent-solids-in-each-sample--this-is-based-on-a-30-gram-sample and--6PE--cleanup. The laboratory shall report non surrogate components, tentatively identified by library search conducted per the guidelines contained in the analytical method.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 740.TABLe C Pesticide and Aroclors Organic Analytical Parameters and Required-Quantitation-Limits

CAS No.	Compound	Water µg/gBt	Soil µg/gKgt	Method
319-84-6	alpha-BHC	0-05	-0-0	8081A 0001
319-85-7	beta-BHC	0-05	-0-0	8081A 0001
319-86-8	delta-BHC	0-05	-0-0	8081A 0001
58-89-9	gamma-BHC	0-05	-0-0	8081A 0001
76-44-8	Heptachlor	0-05	-0-0	8081A 0001
309-00-2	Aldrin	0-05	-0-0	8081A 0001
1024-57-3	Heptachlor epoxide	0-05	-0-0	8081A 0001
959-98-8	Endosulfan I	0-05	-0-0	8081A 0001
60-57-1	Dieldrin	0-10	±6-0	8081A 0001
72-55-9	4,4'-DDE	0-10	±6-0	8081A 0001
72-20-8	Endrin	0-10	±6-0	8081A 0001
33213-65-9	Endosulfan II	0-10	±6-0	8081A 0001
72-54-8	4,4'-DDD	0-10	±6-0	8081A 0001
1031-07-8	Endosulfan sulfate	0-10	±6-0	8081A 0001
50-20-3	4,4'-DDT	0-10	±6-0	8081A 0001
72-43-5	Methoxychlor	0-50	00-0	8081A 0001
53494-70-5	Endrin ketone	0-10	±6-0	8081A 0001
7421-93-4	Endrin aldehyde	0-10	±6-0	8081A 0001
5103-71-9	alpha-Chlordane	0-50	00-0	8081A 0001
5566-34-7	gamma-Chlordane	0-50	00-0	8081A 0001
8001-35-2	Toxaphene	±0-0	±60-0	8081A 0001
12674-11-2	Aroclor - 1016	0-50	00-0	8082 0001
11104-28-2	Aroclor - 1221	0-50	00-0	8082 0001
11141-16-5	Aroclor - 1232	0-50	00-0	8082 0001
53469-21-9	Aroclor - 1242	0-50	00-0	8082 0001
12672-29-6	Aroclor - 1248	0-50	00-0	8082 0001
11097-69-1	Aroclor - 1254	±0-0	±60-0	8082 0001
111096-82-5	Aroclor - 1260	±0-0	±60-0	8082 0001

Required-Quantitation-Limits-for-soil-are-based-on-wet-weight----Normally--data is--reported-on-a-dry-weight-basis;--therefore-Reporting-Limits-will-be-higher based-on-the-percent-solids-in-each-sample-

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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Section 740. TABLE D Inorganic Analytical Parameters and Required Quantitation Limits

CAS No.	Analyte	Water µg/lb	Soil µg/kg	Method
7429-90-5	Aluminum	200	40	6010B/6020 60±0A
7440-36-0	Antimony	60	±2	6010B/6020 60±0A
7440-38-2	Arsenic	±0	2	6020/7060A/7061A/ 7062
7440-39-3	Barium	200	40	6010B 60±0A
7440-41-7	Beryllium	5	±	6010B/6020 60±0A
7440-43-9	Cadmium	5	±	6010B/6020 60±0A
7440-70-2	Calcium	5000	±000	6010B 60±0A
7440-47-3	Chromium	±0	2	6010B/6020 60±0A
7440-48-4	Cobalt	50	±0	6010B/6020 60±0A
7440-50-8	Copper	25	5	6010B/6020 60±0A
7439-89-6	Iron	±00	20	6010B 60±0A
7439-92-1	Lead	3	0÷6	6020/7421
7239-95-4	Magnesium	5000	±000	6010B 60±0A
7439-96-5	Manganese	±5	3	6010B/6020 60±0A
7439-97-6	Mercury	-0÷2	--0÷04	7470A/7471A
7440-02-0	Nickel	40	0	6010B/6020 50±0A
7440-09-7	Potassium	5000	±000	6010B 60±0A
7782-49-2	Selenium	5	±	7740A/7741A/ 7742
7440-22-4	Silver	±0	2	6010B/6020 60±0A
7440-23-5	Sodium	5000	±000	6010B 60±0A
7440-28-0	Thallium	±0	2	6020/7841
7440-62-2	Vanadium	50	±0	6010B 60±0A
7440-66-6	Zinc	20	4	6010B/6020 60±0A
57-12-5	Cyanide	±0	2	9012A 90±2

Required Quantitation Limits for soil are based on wet weight. ---Normally---data is reported on a dry weight basis, therefore, Reporting Limits will be higher, based on the percent dry weight in each sample.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Property Tax Code
- 2) Code Citation: 86 Ill. Adm. Code 110
- 3) Section Numbers: 110.130
Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 200/10-355 (enacted by Public Act 92-0388 effective January 1, 2002)
- 5) A Complete Description of the Subjects and Issues Involved: Beginning January 1, 2002, Public Act 92-388 authorizes a new preferential assessment for property owned and used by a qualified fraternal organization or its subordinate organization or entity that was chartered in the State of Illinois in July 1896 or had its national headquarters in the State of Illinois. The proposed language provides guidance to applicants and local officials regarding the application process and the submission and verification of required documentation for eligibility determinations.
- 6) Will this proposed amendment replace any emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Karen Alice Kloppe
Associate Counsel - Property Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996
- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit

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corporations affected: This rule will affect any qualified fraternal organization or subordinate organization or entity that elects to freeze the assessed value of the real property it owns and uses if the organization was chartered in the State of Illinois in July 1896 or had its national headquarters in the State of Illinois on December 31, 1926.

B) Reporting, bookkeeping or other procedures required for compliance: Fraternal organizations must annually submit a notarized application form to the chief county assessment officer in the county in which the property is located by the statutorily prescribed deadlines.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: Public Act 92-0388 was enacted after its completion.

The full text of the Proposed Amendment begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 110
PROPERTY TAX CODE

Section	
110.101	Railroads
110.105	Non-carrier Real Estate of Railroads
110.110	Procedures for Assessment of Pollution Control Facilities and Low Sulphur Dioxide Emission Coal Fueled Devices
110.112	Procedures for Assessment of Section 515 Low-income Housing Projects
110.113	Fraternal Organization Assessment Freeze
110.115	Non-Homestead Exemption Proceedings
110.120	Oil Right Lessees and Producers
110.125	Reports to be Filed with the Department
110.130	Hearings and Record of Chief County Assessment Officers
110.135	Review of Assessments - Counties of 3,000,000 or More
110.140	Board of Review Procedures and Records - Counties of Less than 3,000,000
110.141	Farmland Factor Review Procedures (Repealed)
110.145	Practice and Procedure for Hearings on Property Tax Matters Before the Illinois Department of Revenue
110.150	Records Reproduction
110.155	Course and Examination Requirements for Board of Review Members
110.160	Multi-township Assessment Districts
110.162	Township and Multi-township Assessor Qualifications
110.165	Farmland Assessment Review Procedures
110.170	Assessors' Bonus
110.175	Equalization by Chief County Assessment Officers in Counties with Fewer Than 3,000,000 Inhabitants
110.180	Supervisor of Assessments Examination
110.190	Property Tax Extension Limitation
110.192	Property Tax Extension Limitation Law Notification and Determination Requirements After Referendum Under Section 18-213 or 18-214 of the Property Tax Code

ILLUSTRATION A State of Illinois Board of Review Course and Exam Requirements

AUTHORITY: Implementing the Property Tax Code [35 ILCS 200] and authorized by Section 2505-625 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-625].

SOURCE: Adopted June 1, 1940; amended at 5 Ill. Reg. 2999, effective March 11, 1981; amended at 5 Ill. Reg. 5888, effective May 26, 1981; amended at 6 Ill. Reg. 9707, effective July 27, 1982; amended at 6 Ill. Reg. 14564, effective November 5, 1982; codified at 7 Ill. Reg. 5886; amended at 8 Ill. Reg. 24285,

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effective December 5, 1984; amended at 9 Ill. Reg. 159, effective December 26, 1984; amended at 9 Ill. Reg. 12022, effective July 24, 1985; amended at 10 Ill. Reg. 11284, effective June 16, 1986; amended at 10 Ill. Reg. 15125, effective September 2, 1986; amended at 11 Ill. Reg. 19675, effective November 23, 1987; amended at 11 Ill. Reg. 20972, effective December 11, 1987; amended at 12 Ill. Reg. 14346, effective August 29, 1988; amended at 13 Ill. Reg. 6803, effective April 12, 1989; amended at 13 Ill. Reg. 7469, effective May 2, 1989; amended at 15 Ill. Reg. 3522, effective February 21, 1991; emergency rule added at 15 Ill. Reg. 14297, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2624, effective February 4, 1992; emergency amendment at 17 Ill. Reg. 22584, effective January 1, 1994, for a maximum of 150 days; emergency expired May 30, 1994; amended at 18 Ill. Reg. 15618, effective October 11, 1994; emergency amendment at 19 Ill. Reg. 2476, effective February 17, 1995, for a maximum of 150 days; emergency expired July 16, 1995; emergency amendment at 19 Ill. Reg. 3555, effective March 1, 1995, for a maximum of 150 days; emergency expired July 28, 1995; emergency amendment at 20 Ill. Reg. 7540, effective May 21, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13611, effective October 3, 1996; amended at 20 Ill. Reg. 13993, effective October 3, 1996; emergency amendment at 20 Ill. Reg. 15613, effective November 22, 1996, for a maximum of 150 days; emergency expired on April 21, 1997; amended at 21 Ill. Reg. 6921, effective May 22, 1997; emergency amendment at 23 Ill. Reg. 9909, effective August 2, 1999, for a maximum of 150 days; emergency expired December 29, 1999; amended at 23 Ill. Reg. 14759, effective December 8, 1999; amended at 24 Ill. Reg. 2428, effective January 25, 2000; amended at 25 Ill. Reg. 191, effective December 26, 2000; amended at 25 Ill. Reg. 6396, effective May 1, 2001; amended at 26 Ill. Reg. _____, effective _____.

Section 110.113 Fraternal Organization Assessment Freeze

a) Eligibility

1) Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] provides that, for taxable year 2002 and thereafter, a fraternal organization, or its subordinate organization or entity, may apply for a Fraternal Organization Assessment Freeze on property it owns and uses, provided that it satisfies all of the following requirements in either Group A or Group B below:

A) Group A

i) was chartered in the State of Illinois in July 1896;
 ii) is an exempt entity under Section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)); and
 iii) has members who provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation, or education.

B) Group B

i) had its national headquarters in the State of Illinois on December 31, 1926;
 ii) is an exempt entity under Section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)); and

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iii) has members who provide direct or indirect financial support for charitable works, such as medical care, drug rehabilitation, or education.

2a) Section 10-350 of the Property Tax Code provides that for the taxable year 2001 and thereafter, a fraternal organization chartered by the State of Illinois prior to 1900, or its subordinate organization or entity, may apply for a Fraternal Organization Assessment Freeze on property it owns and uses, provided that:

- 1) the fraternal organization prohibits gambling and the use of alcohol on the property;
- 2) the fraternal organization is an exempt entity under Section 501(c)(10) of the Internal Revenue Code; and
- 3) the members of the fraternal organization provide direct or indirect financial support for charitable works, such as:
 - A) medical care;
 - B) drug rehabilitation; or
 - C) education.

b) Applications

An application form (Form No. PTAX-764 for qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350] and Form No. PTAX-765 for qualification under Section 10-335 of the Property Tax Code [35 ILCS 200/10-335]) for a Fraternal Organization Assessment Freeze [35-ITBS-200/10-350] shall be obtained from the Chief County Assessment Officer in the county in which the property is located. All questions on the application shall be answered completely and the chief presiding officer of the fraternal organization shall sign the form. Fraternal organizations shall annually submit a notarized application form to the Chief County Assessment Officer on or before January 31 of each assessment year in counties with a population of 3,000,000 or more and December 31 of each assessment year in all other counties.

c) Documentation

Fraternal organizations shall, at a minimum, attach all required documentation to the initial application form as follows:

- 1) For qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350] as described under subsection (a)(2), proof of being a qualified fraternal organization, such as a copy of:
 - A) a charter issued by the State of Illinois prior to 1900;
 - B) a certification that the fraternal organization was issued an Illinois charter prior to 1900;
 - C) a certification that the fraternal organization was chartered by a qualified fraternal organization that was issued an Illinois charter prior to 1900; or
 - D) a certification that the fraternal organization is subordinate to a qualified fraternal organization that was issued an Illinois charter prior to 1900.

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2) For qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] as described for Group A under subsection (a)(1)(A), proof of being a qualified fraternal organization, such as a copy of:

- A) a charter for the fraternal organization in the State of Illinois in July 1896;
- B) a certification that the fraternal organization was chartered in the State of Illinois in July 1896;
- C) a certification that the fraternal organization was chartered by a qualified fraternal organization that was chartered in the State of Illinois in July 1896; or
- D) a certification that the fraternal organization is subordinate to a qualified fraternal organization that was chartered in the State of Illinois in July 1896.

3) For qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355] as described for Group B under subsection (a)(1)(B), proof of being a qualified fraternal organization, such as a copy of:

- A) historical records or other evidence establishing that the fraternal organization had its national headquarters in the State of Illinois on December 31, 1926;
- B) a certification that the fraternal organization had its national headquarters in the State of Illinois on December 31, 1926; or
- C) a certification that the fraternal organization is subordinate to a fraternal organization that had its national headquarters in the State of Illinois on December 31, 1926.

42) Proof of having exempt status under Section 501(c)(10) of the Internal Revenue Code (26 USC 501(c)(10)) for qualification under Section 10-350 of the Property Tax Code [35 ILCS 200/10-350] or under Section 501(c)(8) of the Internal Revenue Code (26 USC 501(c)(8)) for qualification under Section 10-355 of the Property Tax Code [35 ILCS 200/10-355], such as a copy of:

- A) a group exemption letter from the Internal Revenue Service to a fraternal organization, plus its annual filing to the Internal Revenue Service listing any other fraternal organizations covered by the letter;
- B) a U.S. Form 990; or
- C) a determination letter issued in response to U.S. Form 1024 by the Internal Revenue Service.

53) Proof of having ownership or other legal or equitable interest in the property, such as a copy of:

- A) a deed;
- B) a contract-for-deed;
- C) a trust document;
- D) a title insurance policy;
- E) an organizational agreement;

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- F) an incorporation document;
- G) a court order;
- H) an affidavit of adverse possession.

64) Copies of leases or contracts concerning the property, if applicable.

d) Verification

The Chief County Assessment Officer of each county may verify information contained on applications for a Fraternal Organization Assessment Freeze by any of the following methods:

- 1) Requiring each applicant, at the time of filing an application, to produce for inspection by the Chief County Assessment Officer, or a designee, any or all of the documentation specified in subsections subsection (b) and (c);
- 2) Establishing uniform audit guidelines and procedures for determining under what circumstances additional documentation will be required from applicants and what procedures will be used to obtain that documentation from applicants;
- 3) Examining under oath the affiant on the application or any other member of the fraternal organization, chartered fraternal organization, or subordinate fraternal organization; and
- 4) Examining any public records or conducting an investigation to determine the identity of persons using the property for the assessment year.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers:
130.535 Proposed Action:
130.1951 Amendment
Amendment4) Statutory Authority: 35 ILCS 120 and 20 ILCS 2505-25

5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 130.1951 ("Enterprise Zones") to reflect the provisions of Public Act 91-0954, effective January 1, 2002. That legislation amends the enterprise zone building materials exemption in several ways. First, it removes the requirement that the retailer be located in the jurisdiction that created the enterprise zone into which the building materials will be incorporated. In other words, purchasers can make qualifying purchases from any retailer. However, the law is not unconditional in this regard. It also provides that any ordinance in effect at the retailer's location that restricts the enterprise zone exemption will control the sale. Currently, the exemption is available only when the materials are purchased from a retailer located in the jurisdiction that established the enterprise zone into which the building materials will be incorporated.

This regulation delineates the different situations that may occur as a result of P.A. 91-954. Examples are provided that demonstrate how the new law will affect purchasers and retailers. In addition, the regulation has been revised to track the many changes that have occurred in the enterprise zone building materials exemption since its inception in 1985. The requirements applicable to retailers and taxpayers during each phase of the exemption are explained.

This rulemaking also amends provisions to update Section 130.535, the regulation that explains requirements for accelerated quarter monthly sales tax payments. It incorporates the changes made by P.A. 92-484, which reduced the monetary thresholds that trigger the requirement of making accelerated payments of prepaid sales tax.

6) Will these proposed amendments replace an emergency amendment currently in effect? No7) Do these rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? Yes

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Section Numbers	Proposed Action	IL Register Citation
130.2013	New Section	09/14/01, 25 Ill. Reg. 11759
130.445	Amendment	09/21/01, 25 Ill. Reg. 12065
130.2011	Amendment	09/28/01, 25 Ill. Reg. 12399
130.2012	Amendment	09/28/01, 25 Ill. Reg. 12399
130.120	Amendment	11/02/01, 25 Ill. Reg. 14070
130.325	Amendment	11/02/01, 25 Ill. Reg. 14070
130.330	Amendment	11/02/01, 25 Ill. Reg. 14070
130.332	Amendment	11/02/01, 25 Ill. Reg. 14070
130.1701	Amendment	11/02/01, 25 Ill. Reg. 14070
130.2004	Amendment	11/02/01, 25 Ill. Reg. 14070
130.2135	Amendment	11/02/01, 25 Ill. Reg. 14070

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Jerilynn Gorden
Senior Counsel, Sales & Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Retailers of tangible personal property; contractors

B) Reporting, bookkeeping or other procedures required for compliance: Bookkeeping

C) Types of professional skills necessary for compliance: Bookkeeping/accounting

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 130

RETAILERS' OCCUPATION TAX

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130.105	Responsibility of Trustees, Receivers, Executors or Administrators
130.110	Occasional Sales
130.111	Sale of Used Motor Vehicles by Leasing or Rental Business
130.115	Habitual Sales
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130.210	Sales of Tangible Personal Property to Purchasers for Resale
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SUBPART C: CERTAIN STATUTORY EXEMPTIONS

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130.315	Fuel Sold for Use in Vessels on Rivers Bordering Illinois
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130.321	Fuel Used by Air Common Carriers in International Flights
130.325	Graphic Arts Machinery and Equipment Exemption
130.330	Manufacturing Machinery and Equipment
130.331	Manufacturer's Purchase Credit
130.332	Automatic Vending Machines that Dispense Hot Food or Beverages
130.335	Pollution Control Facilities
130.340	Rolling Stock
130.345	Oil Field Exploration, Drilling and Production Equipment
130.350	Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment
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130.405	How to Avoid Paying Tax on State or Local Tax Passed on to the Purchaser
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130.425	Traded-In Property
130.430	Deposit or Prepayment on Purchase Price
130.435	State and Local Taxes Other Than Retailers' Occupation Tax
130.440	Penalties
130.445	Federal Taxes
130.450	Installation, Alteration and Special Service Charges
130.455	Motor Vehicle Leasing and Trade-In Allowances

SUBPART E: RETURNS

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130.501	Monthly Tax Returns--When Due--Contents
130.502	Quarterly Tax Returns
130.505	Returns and How to Prepare
130.510	Annual Tax Returns
130.515	First Return
130.520	Final Returns When Business is Discontinued
130.525	Who May Sign Returns
130.530	Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
130.535	Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
130.540	Returns on a Transaction by Transaction Basis
130.545	Registrants Must File a Return for Every Return Period
130.550	Filing of Returns for Retailers by Suppliers Under Certain Circumstances
130.551	Prepayment of Retailers' Occupation Tax on Motor Fuel
130.555	Vending Machine Information Returns
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SUBPART F: INTERSTATE COMMERCE

Section	
130.601	Preliminary Comments
130.605	Sales of Property Originating in Illinois
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SUBPART G: CERTIFICATE OF REGISTRATION

Section	
130.701	General Information on Obtaining a Certificate of Registration
130.705	Procedure in Disputed Cases Involving Financial Responsibility

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Requirements

130.710 Procedure When Security Must be Forfeited
 130.715 Sub-Certificates of Registration
 130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
 130.725 Display
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SUBPART H: BOOKS AND RECORDS

Section

130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
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SUBPART I: PENALTIES AND INTEREST

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130.901 Civil Penalties
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SUBPART J: BINDING OPINIONS

Section

130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section

130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section

130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

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SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

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130.1301 When Lessee of Premises Must File Return for Leased Department
 130.1305 When Lessor of Premises Should File Return for Business Operated on Leased Premises
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section

130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained
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SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

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130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
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SUBPART P: PROCEDURE TO BE FOLLOWED UPON SELLING OUT OR DISCONTINUING BUSINESS

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130.1601 When Returns are Required After a Business is Discontinued
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 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

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130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
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SUBPART S: SPECIFIC APPLICATIONS

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130.1901	Addition Agents to Plating Baths
130.1905	Agricultural Producers
130.1910	Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage Stamps and Like Articles
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130.1950	Dentists
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130.1952	Sales of Building Materials to a High Impact Business
130.1955	Farm Chemicals
130.1960	Finance Companies and Other Lending Agencies--Installment Contracts--Bad Debts
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130.2070	Sales of Containers, Wrapping and Packing Materials and Related Products
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130.2160	Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
130.2165	Veterinarians
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ILLUSTRATION A Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 120] and authorized by Section 2505-25 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-25].

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective

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October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 11, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. R. 3. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 19 Ill. Reg. 13968, effective September 18, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 25, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999; amended at 23 Ill. Reg. 9898, effective August 9, 1999; amended at 24 Ill. Reg. 10713, effective July 7, 2000; emergency amendment at 24 Ill. Reg. 11313, effective July 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15104, effective October 2, 2000;

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amended at 24 Ill. Reg. 18376, effective December 1, 2000; amended at 25 Ill. Reg. 941, effective January 8, 2001; emergency amendment at 25 Ill. Reg. 1792, effective January 16, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 4674, effective March 15, 2001; amended at 25 Ill. Reg. 4950, effective March 19, 2001; amended at 25 Ill. Reg. 5398, effective April 2, 2001; amended at 25 Ill. Reg. 6515, effective May 3, 2001; amended at 25 Ill. Reg. 6713, effective May 9, 2001; amended at 25 Ill. Reg. 7264, effective May 25, 2001; amended at 25 Ill. Reg. 10917, effective August 13, 2001; amended at 25 Ill. Reg. 12841, effective October 1, 2001; amended at 26 Ill. Reg. _____, effective _____.

SUBPART E: RETURNS

Section 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

- a) Except as noted hereinafter, at the same time that a tax return required by the provisions of the Act is filed with the Department, the taxpayer shall pay the tax that is due with such return to the Department.
- b) Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of the Act, was \$10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins on or after January 1, 1988 and prior to January 1, 1989, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such payments shall be credited against the final tax liability of the taxpayer's return for that month. Prior to January 1, 1999, if any such payment is not paid at the time or in the amount required in this subsection, then the taxpayer's 2%,

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2.1% or 1.75% vendors' discount shall be reduced by 2%, 2.1% or 1.75% of the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, and the taxpayer shall be liable for penalties and interest on such difference except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. Beginning on and after January 1, 1999, if any such payment is not paid at the time or in the amount required in this subsection, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section.

On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under the Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of the Act, was \$20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. (Section 3 of the Act)

c) Before October 1, 2001, without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of \$25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is \$25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due. (Section 3 of the Act)

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On and after October 1, 2001, without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of the Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of \$20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f of the Act, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than \$19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than \$20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due. (Section 3 of the Act)

d) If any such payment or deposit provided for herein exceeds the taxpayer's present and probable future liabilities under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum, which may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under the Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

e) For the purposes of this Section, the phrase "preceding 4 complete calendar quarters" means the preceding 4 complete calendar quarters

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for which returns would have been filed or should have been filed for the last month of the 4 quarter period since, until then, the making of the required computations for the 4 quarter period would be impossible. For example, the preceding 4 complete calendar quarters with reference to a November 1, 1976, date would actually have ended June 30, 1976, since most returns for the last month of that 4 quarter period would not have to have been filed until July 31, 1976, and the preceding 4 complete calendar quarters with reference to a July 1, 1977, date would actually end March 31, 1977, since most returns for the last month of that 4 quarter period would not have to be filed until April 30, 1977. The calendar quarters are January through March, April through June, July through September and October through December.

f) Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of \$150,000 or more shall make all payments required by rules of the Department (see 86 Ill. Adm. Code 750 "Payment of Taxes by Electronic Funds Transfer") by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of \$100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of \$50,000 or more shall make all payments required by rules of the Department by electronic funds transfer.

g) Beginning October 1, 2000, a taxpayer who has an annual tax liability of \$200,000 or more shall make all payments required by rules of the Department by electronic funds transfer (see 86 Ill. Adm. Code 750). The term "annual tax liability" shall be the sum of the taxpayer's liabilities under the Retailers' Occupation Tax Act, and all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. (Section 3 of the Act)

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART S: SPECIFIC APPLICATIONS

Section 130.1951 Enterprise Zones

- a) Building Materials Purchased for Physical Incorporation into Real Estate Located in an Enterprise Zone -- In General
- 1) Effective September 1, 1985, a deduction from Illinois Retailers' Occupation Tax liability exists for gross receipts from retail sales of building materials which will be incorporated into real estate located in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction. (Section 5k of the Act)

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- 2) Prior to February 18, 1992, the only limitation on the deduction was that the retailer from whom the building materials were purchased had to be located in a municipality or county that created the enterprise zone into which the materials were incorporated.
- 3) Effective February 18, 1992, the municipalities and counties that created an enterprise zone could place restrictions on the scope of the deduction by ordinance.

A) Example: The local ordinance could restrict the deduction to building materials purchased for a job for which a building permit had been issued.

B) Example: The local ordinance could restrict the deduction to building materials purchased for incorporation into commercial property.

- 4) Effective January 1, 2002, there is no longer any requirement that the retailer be located in a municipality or county that created the enterprise zone into which the materials will be incorporated. However, any restrictions on the deduction contained in an ordinance in effect at the retailer's location control the sale.

b) For purchases made between September 1, 1985 and December 31, 2001:

1)2) The retailer of qualifying building materials must be located in the municipality or in the unincorporated area of the county which has established the enterprise zone into which the building materials will be incorporated. In order to establish that the retailer is located in the municipality or unincorporated area of the county which has established the enterprise zone, the retailer must at the time of sale:

- A) have an identifiable physical presence in the municipality or the unincorporated area of the county that has established the enterprise zone;
- B) be registered with the Department as a retailer at a location in the municipality or in the unincorporated area of the county that has established the enterprise zone; and
- C) be able to document the acceptance of purchase orders at a location in the municipality or the unincorporated area of the county that has established the enterprise zone.

2)3) In order to establish that the purchaser purchased qualifying building materials from a qualified retailer, the following two separate transactions must exist:

- A) a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone (exempt as a sale sales for resale); and
- B) a sale from the retailer who is located in the jurisdiction that created the enterprise zone to a purchaser who will incorporate those materials into real estate located in the enterprise zone (exempt by reason of the enterprise zone building materials exemption).

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Note: Each of these transactions must exist independent of the other, and the exemption applicable to each transaction must be properly documented. These transactions must be reflected in the books and records of the qualified retailer.

3) For purposes of the exemption as it existed between September 1, 1985 and December 31, 2001, the following documentation establishes a sale from a supplier to the retailer who is located in the jurisdiction that created the enterprise zone:

- A) a purchase order from the retailer to the supplier;
- B) a Certificate of Resale from the retailer to the supplier;
- C) an invoice from the supplier to the retailer; and
- D) payment to the supplier from the retailer.

4) For purposes of the exemption as it existed between September 1, 1985 and December 31, 2001, the following documentation establishes a sale from the retailer who is located in the jurisdiction that created the enterprise zone to the purchaser:

- A) a purchase order from the purchaser to the retailer;
- B) an enterprise zone building materials certification from the purchaser to the retailer containing all of the information set forth at Section 130.1951(b)(5)(a)(6);
- C) an invoice from the retailer to the purchaser; and
- D) payment to the retailer from the purchaser.

5) In order to claim the exemption as it existed between September 1, 1985 and December 31, 2001, a retailer claiming the deduction must have among its books and records a written statement signed by the purchaser setting out facts which establish the deduction. This purchaser's statement must contain the following information:

- A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an enterprise zone (and this must be the enterprise zone created by the jurisdiction in which the retailer is located);
- B) a description of the building materials being purchased (this may be done by a cross reference to the retailer's retailers' invoice number);
- C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate);
- D) the name of the enterprise zone in which that real estate is located (and the retailer must insure that he is located within the municipality or in an unincorporated area of the county which established the enterprise zone named in the purchaser's statement); and
- E) the purchaser's signature and date of signing.

c) For purchases made on and after January 1, 2002:

- 1) On and after January 1, 2002, the deduction is still available but, effective January 1, 2001, there is no requirement that the

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retailer from whom the materials are purchased be located in a jurisdiction that created the enterprise zone into which the materials will be incorporated.

However, if the retailer is located in a jurisdiction that has an enterprise zone ordinance that places restrictions on sales of building materials being purchased for incorporation into its enterprise zone, then those restrictions are applicable to all sales of building materials being purchased for incorporation into any Illinois enterprise zone.

The general rule is to look for an enterprise zone ordinance in effect in the jurisdiction in which the retailer is located. If an enterprise zone ordinance is in effect in the retailer's jurisdiction, the sale can be made tax-free subject to any restrictions in that ordinance. If that ordinance contains no restrictions, then the sale can be made tax-free. In either event, when the deduction is claimed, the purchaser must certify, in writing, to the retailer that the materials will be incorporated into real estate located in an Illinois enterprise zone in accordance with Section 130.1951(c)(6) and the retailer must retain that certification in his books and records. Restrictions, or the absence of restrictions, in effect for the enterprise zone into which the building materials will be incorporated do not matter (unless the retailer is also located in the jurisdiction that created that enterprise zone).

3) If the retailer is located in a jurisdiction that has no enterprise zone ordinance, then there are no restrictions on the sale of building materials by that retailer for incorporation into any Illinois enterprise zone. Anyone purchasing building materials from the retailer can make the purchase tax-free so long as the material will be incorporated into an Illinois enterprise zone and the purchaser so certifies in accordance with Section 130.1951(c)(6). This is true even though the enterprise zone into which the materials will be incorporated has restrictions. In this situation, restrictions in the ordinance governing the enterprise zone into which the materials will be incorporated do not matter.

A) Example: The retailer is located in City A and City A has no enterprise zone and no enterprise zone ordinance. In this example, the deduction is available to the retailer without restriction as long as the materials will be incorporated into real estate located in any Illinois enterprise zone. This is true even though the enterprise zone ordinance governing the enterprise zone into which the materials will be incorporated has restrictions.

Stated conversely, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can purchase those materials without restriction from the retailer in City A and this is true

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even if City B's enterprise zone ordinance has restrictions.

B) Example: A retailer is located outside Illinois. The deduction has no effect on the sales tax due at the retailer's out-of-state location and cannot be used to avoid any sales tax due at the out-of-state location. However, if an Illinois construction contractor purchases building materials from the out-of-state retailer, the Illinois contractor incurs no Illinois use tax liability on his cost price of those materials if he incorporates them into real estate located in any Illinois enterprise zone. This is true even though the ordinance governing the enterprise zone into which the materials will be incorporated has restrictions.

4) If the retailer is located in a jurisdiction that has an enterprise zone ordinance and that ordinance contains no restrictions on the sale of enterprise zone building materials, then there are no restrictions on the sale of building materials by that retailer for incorporation into any Illinois enterprise zone. Anyone purchasing building materials from the retailer can make the purchase tax-free so long as the material will be incorporated into an Illinois enterprise zone. This is true even though the enterprise zone into which the materials will be incorporated has restrictions. In this situation, restrictions in the ordinance governing the enterprise zone into which the materials will be incorporated do not matter.

5) If the retailer is located in a jurisdiction that has an enterprise zone ordinance and that ordinance contains restrictions on the sale of enterprise zone building materials, then those restrictions control every sale of building materials for incorporation into any Illinois enterprise zone. In this situation, it is imperative that the retailer and the purchaser be familiar with the restrictions in the enterprise zone ordinance in effect in the retailer's jurisdiction. The deduction may or may not be available, depending on those restrictions.

A) Example: The retailer is located in City A and City A's enterprise zone ordinance specifies that the deduction is available only to building materials to be incorporated into City A's enterprise zone. In this example, the deduction is available to the retailer when he sells building materials to be incorporated into City A's enterprise zone. The retailer cannot make tax-free sales of building materials for incorporation into any other enterprise zone.

Stated conversely, in this example a construction contractor purchasing building materials for incorporation into City B's enterprise zone cannot claim the deduction when purchasing those materials from the retailer located in City

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A. Example: The retailer is located in City A and City A's enterprise zone ordinance does not specify that the materials must be incorporated into City A's enterprise zone. However, it does specify that the materials must be used in an enterprise zone project for which City A has issued a building permit. In this example, the exemption is available to the retailer only when he sells building materials to be incorporated into City A's enterprise zone. The retailer cannot make tax-free sales of building materials to be incorporated into any other enterprise zone. This is so because City A cannot issue a building permit for a project in another city's enterprise zone.

B) Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone cannot claim the deduction when purchasing from the retailer located in City A. Again, this is so because City A could not have issued a building permit for the project in City B.

C) Example: The retailer is located in City A and City A's enterprise zone ordinance does not specify that the materials must be incorporated into City A's enterprise zone and it does not specify that the materials must be used in a project for which City A has issued a building permit. However, it does specify that the materials must be used in a project for which "a building permit" has been issued. In this example, the deduction would be available to the retailer in City A when selling building materials for incorporation into any Illinois enterprise zone so long as a building permit has been issued to the project by the appropriate local authority.

Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can claim the deduction when purchasing from the retailer in City A but only if the materials will be used in a project for which a building permit has been issued by the appropriate authority in City B.

D) Example: The retailer is located in City A and the only restriction in City A's enterprise zone ordinance is that the building materials must be used in a commercial project. In this example, the deduction is available to the retailer in City A when selling building materials for incorporation into any Illinois enterprise zone so long as the building materials will be incorporated into commercial real estate. Stated conversely, in this example, a construction contractor purchasing building materials for incorporation into City B's enterprise zone can claim the deduction when purchasing from the retailer in City A but only if the materials will

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be used in a commercial project.

E) Again, the restrictions contained in the enterprise zone ordinance in effect at the retailer's location control. Consequently, it is crucial that retailers and their customers be familiar with the enterprise zone ordinance in effect at the retailer's location and that all restrictions in that ordinance are observed.

6) A retailer claiming the deduction as it exists on and after January 1, 2001 must have among its books and records a written statement signed by the purchaser setting out facts that establish the deduction. This purchaser's statement must contain the following information:

- A) a certification by the purchaser that the building materials being purchased are being purchased for incorporation into real estate located in an Illinois enterprise zone;
- B) a description of the building materials being purchased (this may be done by a cross reference to the retailer's invoice number);
- C) the location of the real estate into which the building materials will be incorporated (this may be done by reference to the street address of the real estate);
- D) the name of the enterprise zone in which that real estate is located;

E) purchaser's signature and date of signing.

d) In order to qualify for the deduction, the materials being purchased must be building materials. That is, they must be purchased for physical incorporation into real estate. For example, gross receipts from sales of:

1) common building materials such as lumber, bricks, cement, windows, doors, insulation, roofing materials and sheet metal can qualify for the deduction;

2) plumbing systems and components thereof such as bathtubs, lavatories, sinks, faucets, garbage disposals, water pumps, water heaters, water softeners and water pipes can qualify for the deduction;

3) heating systems and components thereof such as furnaces, ductwork, vents, stokers, boilers, heating pipes and radiators can qualify for the deduction;

4) electrical systems and components thereof such as wiring, outlets and light fixtures which are physically incorporated into the real estate can qualify for the deduction;

5) central air conditioning systems, ventilation systems and components thereof which are physically incorporated into the real estate can qualify for the deduction;

6) built-in cabinets and other woodwork which are physically incorporated into the real estate can qualify for the deduction;

7) built-in appliances such as refrigerators, stoves, ovens and trash compactors which are physically incorporated into the real

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estate can qualify for the deduction;

8) floor coverings such as tile, linoleum and carpeting that are glued or otherwise permanently affixed to the real estate by use of tacks, staples, or wood stripping filled with nails that protrude upward (sometimes referred to as "tacking strips" or "tack-down strips") can qualify for the deduction.

e) Items which are not physically incorporated into the real estate cannot qualify for the deduction. For example, gross receipts from sales of:

1) tools, machinery, equipment, fuel, forms and other items which may be used by a construction contractor at an enterprise zone building site, but which are not physically incorporated into the real estate, do not qualify for the deduction;

2) free-standing appliances such as stoves, ovens, refrigerators, washing machines, portable ventilation units, window air conditioning units, lamps, clothes washers, clothes dryers, trash compactors and dishwashers which may be connected to and operate from a building's electrical or plumbing system but which do not become a component of those systems do not qualify for the deduction;

3) floor coverings that are area rugs or that are attached to the structure using only two-sided tape do not qualify for the deduction.

f) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Manufacturing or Assembling by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs

1) Effective September 25, 1985, the Illinois Retailers' Occupation Tax does not apply to retail sales of tangible personal property to be used or consumed within an enterprise zone or subject to the provisions of Section 5.5 of the Enterprise Zone Act, all tangible personal property to be used or consumed by any high impact business, in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease so long as the use or consumption is made by business enterprises which in the case of a high impact business having been designated pursuant to the terms of Section 5.5(a) of the Enterprise Zone Act [20 ILCS 625/5.5] or which in the case of an enterprise zone:

A) Either:

- i) make investments which cause the creation of a minimum of 200 full-time equivalent jobs in Illinois; or
- ii) make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
- iii) make investments of a minimum of \$40,000,000; and

B) are located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act; and

C) are certified by the Department of Commerce and Community

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Affairs as complying with the requirements specified in subsections (f)(b)(1)(A) and (B); and
D) *Retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption.* (Sections 1d and 1f of the Act)

2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.

3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in manufacturing or assembling qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities which do not constitute manufacturing or assembling remain subject to the tax. For purposes of this Section, manufacturing and assembling have the same meaning as ascribed at Section 130.330(b)(2) through (8) of this Part.

4) The tangible personal property must be used in a manufacturing or assembling process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in manufacturing or assembling and includes repair and replacement parts for machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for .holesale or retail sale, or lease, and equipment, manufacturing fuels, material and supplies for the maintenance, repair or operation of such manufacturing or assembling machinery or equipment. (Section 1d of the Act)

5) For example, this exemption extends to:

- A) machinery and equipment which would otherwise qualify under the manufacturing machinery and equipment exemption because of being used in the activities set out at Section 130.330(d)(3) of this Part, and repair and replacement parts for such machinery and equipment;
- B) hand tools used in the activities set out at Section 130.330(d)(3) of this Part;
- C) materials and supplies, such as abrasives, acids, polishing compounds or lubricants used or consumed in the activities set out at Section 130.330(d)(3) of this Part;
- D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
- E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment which qualifies for

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the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;

F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam which would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part; and

G) protective clothing and safety equipment such as gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment which qualifies for the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part.

6) The law requires that tangible personal property be used primarily in manufacturing or assembling. Therefore, tangible personal property which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.

7) The exemption does not extend to tangible personal property which is not used or consumed in the manufacturing or assembling process itself. This is true even though the item is used in an activity which is essential to manufacturing or assembling. For example, the exemption does not extend to:

- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment which would not qualify for the manufacturing machinery and equipment exemption;
- B) tangible personal property used or consumed in research and development of new products, production techniques or production machinery;
- C) tangible personal property used to store, convey, handle or transport materials, parts or subassemblies prior to their entrance into the production cycle;
- D) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
- E) tangible personal property used to transport work-in-process or finished articles between production plants;
- F) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant

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- security, product exhibition and promotion or personnel recruitment, selection or training;
- G) tangible personal property used or consumed as general production plant safety equipment;
- H) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a manufacturing or assembling process;
- I) tangible personal property used or consumed in the preparation of food and beverages by a retailer for retail sale, such as restaurants, vending machines and food service establishments;
- J) fuel used or consumed in the operation of any machinery or equipment which would not qualify for exemption under the manufacturing machinery and equipment exemption as set out in Section 130.330 of this Part;
- K) building materials which become physically incorporated into foundations or housings for machinery and equipment--although such building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met; and
- L) building materials dedicated to general construction purposes at a production plant--although such building materials may qualify for exemption under the provisions of subsection (a) of this Section if all requirements set out therein are met.

- 8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

9) Product Use

The statute requires that the product produced as a result of the manufacturing or assembling process be tangible personal property for sale or lease. For information concerning this requirement, see Section 130.330(e) of this Part which is incorporated by reference herein.

10) Sales to Lessors of Certified Business Enterprises

The substance and provisions of Section 130.330(f) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.330(f) to "manufacturers" mean "certified business enterprises".

11) Exemption Certification

- A) When a certified business enterprise (or the lessor to a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:

- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community

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Affairs; and

- ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a manufacturing or assembling process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)
- B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.
- C) If a certified business enterprise (or its lessor) purchases tangible personal property which is to be used in the process of manufacturing or assembling, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.
- D) An item which initially is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.
- ge) Tangible Personal Property Purchased for Use or Consumption within an Enterprise Zone in the Process of Graphic Arts Production by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs
- 1) No State or local Retailers' Occupation Tax applies to retail sales of tangible personal property to be used or consumed within an enterprise zone...in the process of graphic arts production if used or consumed at a facility which is a Department of Commerce and Community Affairs certified business and located in a county of more than 4,000 persons and less than 45,000 persons so long as the use or consumption is made by business enterprises that:

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A) Either:

- (i) make investments which cause the creation of a minimum of 200 full-time jobs in Illinois; or
- (ii) make investments which cause the retention of a minimum of 2,000 full-time jobs in Illinois; or
- (iii) make investments of a minimum of \$40,000,000 and retain at least 90% of the jobs in place on the date on which the exemption is granted and for the duration of the exemption; and

B) are located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act; and

C) are certified by the Department of Commerce and Community Affairs as complying with the requirements specified in subsections (g)(1)(A), (B) and (C). (Sections 1d and 1f of the Act)

2) Business enterprises seeking certificates of eligibility must make application to the Department of Commerce and Community Affairs on application forms provided by the Department of Commerce and Community Affairs. The Illinois Department of Revenue has no authority to certify business enterprises for the purposes of this exemption.

3) Once a business enterprise is certified, only the use or consumption within the enterprise zone of tangible personal property in graphic arts production qualifies for the exemption. No item to be used or consumed outside the Enterprise Zone qualifies for the exemption. Sales of tangible personal property used in activities which do not constitute graphic arts production remain subject to the tax. The Department has defined graphic arts production at Section 130.325(b) of this Part.

4) The tangible personal property must be used in a graphic arts production process but is not limited to machinery and equipment. The exemption is available for all tangible personal property used or consumed in graphic arts production and includes repair and replacement parts for machinery and equipment used primarily in the process of graphic arts production, and equipment, graphic arts fuels, material and supplies for the maintenance, repair or operation of such graphic arts machinery or equipment. (Section 1d of the Act)

5) For example, this exemption extends to:

- A) machinery and equipment that would otherwise qualify under the graphic arts machinery and equipment exemption because of being used in the activities set out at Section 130.325(c)(3) of this Part and for repair and replacement parts for such machinery and equipment;
- B) printing plates, film, fountain solution, blanket wash, and ink additives used in the activities set out at Section 130.325(c)(3) of this Part;
- C) materials and prep supplies, such as mylar, masking sheets,

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developer, hardener, fixer, replenishers, and tape used or consumed in the activities set out at Section 130.325(c)(3) of this Part;

D) machinery and equipment and hand tools used to maintain, repair or operate machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;

E) materials and supplies, such as lubricants, coolants, adhesives, solvents or cleaning compounds used to maintain, repair or operate machinery or equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;

F) any fuel, such as coal, diesel oil, gasoline, natural gas, artificial gas or steam which would be subject to Retailers' Occupation Tax or Use Tax liability when sold at retail is exempt from those taxes when sold for use as fuel for machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part;

G) protective clothing and safety equipment such as ear plugs, safety shoes, gloves, coveralls, aprons, goggles, safety glasses, face masks and air filter masks used when maintaining, repairing or operating machinery and equipment which qualifies for the graphic arts machinery and equipment exemption as set out in Section 130.325 of this Part.

6) The law requires that tangible personal property be used primarily in graphic arts production. Therefore, tangible personal property which is used primarily in an exempt process and partially in a nonexempt manner would qualify for exemption. However, the purchaser must be able to establish through adequate records that the tangible personal property is used over 50 percent in an exempt manner in order to claim the deduction.

7) The exemption does not extend to tangible personal property which is not used or consumed in the graphic arts production process itself. This is true even though the item is used in an activity which is essential to graphic arts production. For example, the exemption does not extend to:

- A) tangible personal property used or consumed in general production plant maintenance activities or in the maintenance of machinery and equipment which would not qualify for the graphic arts production exemption;
- B) tangible personal property used to store, convey, handle or transport materials prior to their entrance into the production cycle;
- C) tangible personal property used to store, convey, handle or transport finished articles after completion of the production cycle;
- D) tangible personal property used to transport work-in-process

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- or finished articles between production plants;
- E) machinery or equipment used to place the printed product in the container, package or wrapping in which such property is normally sold to the ultimate consumer thereof;
- F) machinery and equipment used to gather information, photograph, transmit data, edit text, prepare drafts or copy or perform other data-related functions prior to final composition, typesetting, engraving or other preparation of the image carrier;
- G) Xerographic or photocopying machines;
- H) word processing, text editing machinery or computerized equipment unless it is an integral part of a final graphic arts operation such as a computer-controlled typesetting machine or equivalent that is used primarily in graphic arts production;
- I) computers used to store data and generate text, maps, graphs or other print-out formats unless the product is an image carrier to be used to repetitively transfer images by printing. For example, a computer which generates an image which may later be reproduced by a graphic arts process would not qualify while a computer-controlled engraving system which produces printing cylinders and computer-controlled digital typesetting equipment would qualify;
- J) tangible personal property used or consumed in managerial, sales or other nonproduction, nonoperational activities such as disposal of waste, scrap or residue, inventory control, production scheduling, work routing, purchasing, receiving, accounting, fiscal management, general communications, plant security, product exhibition and promotion or personnel recruitment, selection or training;
- K) tangible personal property used or consumed as general production plant safety equipment; or
- L) tangible personal property and fuel used or consumed in general production plant ventilation, heating, cooling, climate control or illumination, not required by a graphic arts production process.
- 8) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.
- 9) Sales to Lessors of Certified Business Enterprises
The substance and provisions of Section 130.325(d) of this Part are incorporated by reference herein. For the purpose of this incorporation, references in Section 130.325 to "lessee" mean "certified business enterprises."
- 10) Exemption Certification
- A) When a certified business enterprise (or the lessor to a

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- certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:
- i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and
- ii) a written statement signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use or consumption) in a graphic arts production process at a location in an enterprise zone established under the authority of the Illinois Enterprise Zone Act. (Sections 1d, 1e, 1f and 5k of the Act)
- B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.
- C) If a certified business enterprise (or its lessor) purchases tangible personal property which is to be used in the process of graphic arts production, then the certified business enterprise (or its lessor) must certify that fact to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax. However, the purchaser who certifies that the item is being purchased for a qualifying use within an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.
- D) An item which initially is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject to tax at the time of its conversion based on the fair market value of the item at the time of conversion.
- hd) Tangible Personal Property Purchased for Use or Consumption in the Operation of Pollution Control Facilities within an Enterprise Zone by Certain Business Enterprises Certified by the Department of Commerce and Community Affairs
- 1) Effective September 25, 1985, subject to the provisions of Section 1f of the Act or subject to the provisions of Section 5.5 of the Illinois Enterprise Zone Act [20 ILCS 625/5.5] the

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Illinois Retailers' Occupation Tax does not apply to gross receipts from retail sales of *tangible personal property* to be used or consumed in the operation of pollution control facilities...within an enterprise zone (Section 1e of the Act) so long as the use or consumption is made by a business enterprise which has complied with the requirements set out at subsection (f)(b)(1)(A), (B) and (C) of this Section.

2) The phrase "pollution control facilities" is defined as:

A) ...any system, method, construction, device, or appliance appurtenant thereto, sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "air pollution" or "water pollution" is defined in the "Environmental Protection Act" or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property. (Section 1a of the Act)

B) The exemption for pollution control facilities described at Section 130.330 of this Part extends only to pollution control facilities and replacement parts therefor.

3) However, if a business enterprise is certified by the Department of Commerce and Community Affairs, all tangible personal property used or consumed by it in the operation of pollution control facilities within an enterprise zone is exempt from tax. In order to qualify, the item must be used exclusively in the enterprise zone and the pollution control facility must be in the enterprise zone. By way of illustration, this exemption includes:

- A) fuel used in operating pollution control facilities;
- B) chemicals used in the operation of pollution control facilities;
- C) catalysts used in the operation of pollution control facilities;
- D) equipment used to test, monitor or otherwise ascertain the suitability of a fuel, chemical or catalyst for use in the operation of pollution control facilities;
- E) equipment used to monitor or otherwise ascertain the effectiveness of pollution control facilities;
- F) lubricants and coolants used in the operation of pollution control facilities;
- G) protective clothing and safety equipment used in the operation of pollution control facilities;
- H) equipment used to transport fuel, chemicals, catalysts, lubricants, coolants or other operational supplies from a stock pile located in the enterprise zone to a pollution control facility located in the same enterprise zone;

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I) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to another pollution control facility within the same enterprise zone for further filtering, treatment or modification; and

J) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to a disposal site in the same enterprise zone.

4) No item used primarily in any activity other than the operation of pollution control facilities within an enterprise zone can qualify for this exemption. No item used or consumed outside the enterprise zone can qualify for the exemption. No item used or consumed in the operation of pollution control facilities which are located outside the enterprise zone can qualify for the exemption. By way of illustration, the exemption does not extend to:

A) equipment used to transport fuel, chemicals, catalysts or any other tangible personal property from a point outside the enterprise zone to a pollution control facility inside the enterprise zone;

B) equipment used to transport filtered, treated or modified pollutants from a pollution control facility in an enterprise zone to any location outside the enterprise zone;

C) testing equipment used at a location outside an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located in an enterprise zone; or

D) testing equipment used at a location in an enterprise zone to monitor or otherwise ascertain the effectiveness of pollution control facilities located outside the enterprise zone.

5) This exemption from Illinois Retailers' Occupation Tax is available to all retailers registered to collect Illinois sales tax. It is not restricted to retailers located in jurisdictions which have established enterprise zones.

6) Sales to Lessors of Certified Business Enterprises

A) For this exemption to apply, the purchaser need not himself employ the tangible personal property in the operation of pollution control facilities. If the purchaser leases the items to a lessee-certified business enterprise which uses the items in an exempt manner, the sale to the purchaser-lessor will be exempt from tax. A supplier may deduct such sales from his taxable gross receipts provided the purchaser-lessor provides to him a properly completed exemption certificate and the information contained thereon would support the exemption if the sale were made directly to the lessee-certified business enterprise.

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B) Should a purchaser-lessor lease the items to a lessee which is not a certified business enterprise or to a certified business enterprise which does not use those items in the operation of pollution control facilities within an enterprise zone, then the purchaser-lessor will become liable for the tax from which he was previously exempted.

7) Exemption Certification

A) When a certified business enterprise (or the lessor of a certified business enterprise) initially purchases qualifying items from an Illinois registered supplier, the supplier must be provided with:

i) a copy of the current certificate of eligibility issued by the Department of Commerce and Community Affairs; and

ii) a written statement of exemption signed by the certified business enterprise (or its lessor) that the items being purchased will be used or consumed (or leased for use of consumption) in the operation of pollution control facilities at a specified location in a named enterprise zone established under the authority of the Illinois Enterprise Zone Act.

B) So long as a copy of a current certificate of eligibility and a statement of exemption are maintained by a supplier, the certified business enterprise (or its lessor) may claim the exemption on subsequent purchases from that supplier by indicating on the face of purchase orders that the transaction is exempt by referencing the certificate of eligibility and statement of exemption. This procedure on subsequent purchases is authorized only so long as the certificate of eligibility remains current. That is, the exemption can be claimed only as to purchases made during the effective period of the certificate of eligibility specified by the Department of Commerce and Community Affairs on the face of the certificate of eligibility.

C) If a certified business enterprise (or its lessor) purchases tangible personal property which could reasonably be used in the operation of pollution control facilities, then the certified business enterprise (or its lessor) should certify to the seller in writing in order to relieve the seller of the duty of collecting and remitting tax on the sale. However, the purchaser who certifies that the item is being purchased for a qualifying use in an enterprise zone by a qualified business enterprise will be held liable for the tax by the Department if it is found that the item was not so used.

D) An item which is used primarily in a qualifying manner at a qualifying location but which is converted to a nonexempt use or is moved to a nonexempt location will become subject

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to tax at the time of its conversion based on the fair market value of the item at the time of conversion to the nonexempt use.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

- 2) Code Citation: 80 Ill. Adm. Code 1650

- 3) Section Numbers: Proposed Action:
 1650.356 Amending
 1650.470 Amending
 1650.480 Amending

- 4) Statutory Authority: Implementing and authorized by Article 16 [40 ILCS 5/16] of the Illinois Pension Code.

- 5) A Complete Description of the Subjects and Issues Involved:

- a) Under the provisions of Section 1650.356, Payroll Deduction Program, which governs the TRS Payroll Deduction Program, TRS employers are required to remit payroll deductions on or before August 15 of each month. Section 1650.356 is being amended to change the due date to August 10.

The due date is being changed to conform with the new TRS billing system. Under the new system, TRS will provide each employer a monthly billing statement listing each member participating in the Payroll Deduction Program (PDP) and the monthly amount due for the upcoming month. Changing the due date from the 15th to the 10th of the month will allow TRS to reconcile and balance all districts' PDP remittances by the 25th of the month. Employer PDP bills for the upcoming month are scheduled to run on the 25th of the month. In addition, member and employer retirement contributions for pay periods between the 16th and the end of the month are due by the 10th of the following month. Therefore, the 10th of the month due date would be consistent with member and employer retirement contributions.

This rule change should have no significant impact upon TRS employers inasmuch as the deductions to be remitted have been withheld from salary previously disbursed to participating members.

- b) Section 1650.470, Rollover Distributions and Section 1650.480, Rollovers to the System. With the recent passage of the Economic Growth and Tax Relief and Reconciliation Act of 2001 (EGTRRA), defined benefit plans are given greater latitude in making and accepting rollovers to and from various qualified plans. Beginning January 1, 2002, rollovers are allowed among 457(b), 403(b), 401(a) and 401(k) plans as well as IRAs.

The System's rollover rules are being amended to allow our membership to take full advantage of EGTRRA. Under the proposed amendment,

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members will be able to roll over funds from 403(b) and 457(b) plans as well as IRAs to purchase optional service, repay refunds, pay for a 2.2 upgrade or member Early Retirement Option contributions. The System will also be allowed to rollovers to 403(b) and 457(b) plans.

- 6) Will these proposed amendments replace any emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Thomas S. Gray
 General Counsel
 Teachers' Retirement System
 2815 West Washington, P. O. Box 19253
 Springfield, Illinois 62794-9253
 (217) 753-0375

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 2001

The full text of the Proposed Amendments begin on the next page:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section

1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section

1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section

1650.201 Disability Benefits - Application Procedure
1650.202 Disability and Occupational Disability Benefits - Definitions
1650.203 Disability Retirement Annuity - Definitions
1650.204 Gainful Employment - Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary Rates
1650.210 Claim Applications
1650.211 Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220 Reclassification of Disability Claim (Repealed)
1650.221 When Member Becomes Annuitant
1650.222 Death Out of Service
1650.230 Medical Examinations and Investigations of Claims (Repealed)

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Refunds; Impermissible Refunds; Canceled Service; Repayment

Death Benefits

Evidence of Age

Reversionary Annuity - Evidence of Dependency

Evidence of Parentage

Eligible Child Dependent By Reason of a Physical or Mental Disability

Evidence of Marriage

Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section

1650.310 Effective Date of Membership
1650.320 Method of Calculating Service Credits
1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330 Duplicate Service Credit
1650.340 Service Credit for Leaves of Absence
1650.341 Service Credit for Involuntary Layoffs
1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346 Service Credit for Periods Away From Teaching Due to Adoption
1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.355 Purchase of Optional Service - Required Minimum Payment
1650.356 Payroll Deduction Program
1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance
1650.360 Settlement Agreements and Judgments
1650.370 Calculation of Average Salary (Renumbered)
1650.380 Definition of Actuarial Equivalent
1650.390 Independent Contractors
1650.391 Optional 2.2 Upgrade of Earned and Credited Service
1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade Application

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section

1650.410 Return of Contributions for Duplicate or Excess Service
1650.415 Return of Optional Increase in Retirement Annuity Contributions
1650.420 Interest on Deficiencies (Repealed)
1650.430 Installment Payments (Repealed)
1650.440 Small Deficiencies, Credits or Death Benefit Payments
1650.450 Definition of Salary
1650.451 Reporting of Conditional Payments
1650.460 Calculation of Average Salary
1650.470 Rollover Distributions
1650.480 Rollovers to the System

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SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section
 1650.505 Beneficiary (Repealed)
 1650.510 Re-entry Into Service
 1650.520 Suspension of Benefits
 1650.530 Power of Attorney
 1650.540 Conservators/Guardians
 1650.550 Presumption of Death
 1650.560 Benefits Payable on Death
 1650.570 Survivors' Benefits
 1650.571 Payment of Monthly Survivor Benefits to a Trust
 1650.575 Full-time Student - Receipt of Survivors Benefits Until Age 22
 1650.580 Evidence of Eligibility
 1650.590 Comptroller Offset
 1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section
 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section
 1650.610 Staff Responsibility
 1650.620 Right of Appeal
 1650.630 Form of Written Request
 1650.635 Presiding Hearing Officer - Duties and Responsibilities
 1650.640 Prehearing Procedure
 1650.641 Claims Hearing Committee Hearing Packet
 1650.650 Hearing Procedure
 1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section
 1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
 1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section
 1650.910 Summary and Purpose

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1650.920 Definitions
 1650.930 Submission of Requests
 1650.940 Form and Content of FOIA Requests
 1650.950 Appeal of a Denial
 1650.960 Executive Director's Response to Appeal
 1650.970 Response to FOIA Requests
 1650.980 Inspection of Records at System Office
 1650.990 Copies of Public Records
 1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section
 1650.1000 Nomination of Candidates
 1650.1010 Petitions
 1650.1020 Eligible Voters
 1650.1030 Election Materials
 1650.1040 Marking of Ballots
 1650.1050 Return of Ballots
 1650.1060 Observation of Ballot Counting
 1650.1070 Certification of Ballot Counting
 1650.1080 Challenges to Ballot Counting

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
 1650.1110 Definitions
 1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
 1650.1112 Curing Minor Deficiencies
 1650.1113 Required Form
 1650.1114 Filing a QILDRO with the System
 1650.1115 Benefits Affected by a QILDRO
 1650.1116 Effect of a Valid QILDRO
 1650.1117 QILDROs Against Persons Who Became Members Prior to July 1, 1999
 1650.1118 Alternate Payee's Address
 1650.1119 Electing Form of Payment
 1650.1120 Automatic Annual Increases
 1650.1121 Reciprocal Systems QILDRO Policy Statement
 1650.1122 Providing Benefit Information for Divorce Purposes

SUBPART N: RETIREMENT BENEFITS

Section
 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); and Section 5-15 of the

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. _____, effective _____.

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section 1650.356 Payroll Deduction Program

- a) Effective July 1, 1998, a member who is employed on a full-time basis may have his or her employer pick up upgrade and/or optional service contributions that the member has elected to pay the System through the payroll deduction program, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal income tax treatment [40 ILCS 5/16-152.1(d)].
- b) Prior to the member's election to have his or her employer pick up the member's upgrade and/or optional service contributions, the member shall first establish the member's eligibility to purchase optional service credit pursuant to Section 16-127 of the Pension Code [40 ILCS 5/16-127], to repay a refund pursuant to Section 16-151 of the Pension Code [40 ILCS 5/16-151], or to upgrade the benefit formula in accordance with Section 129.1 of the Pension Code [40 ILCS 5/16-129.1].

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- c) After establishing an upgrade and/or optional service contribution balance and electing to have the contributions picked up on a before-tax basis, the member shall contact the System prior to the anticipated enrollment date and request that an irrevocable payroll deduction authorization be prepared and sent to the member.
- d) To participate in the payroll deduction program, the member shall execute a binding, irrevocable payroll deduction authorization that is furnished to the member by the System [40 ILCS 5/16-152.1(d)].
 - 1) In the agreement, the member shall confirm that he or she is employed by the employer on a full-time basis.
 - 2) The amount of the upgrade and/or optional service contribution balance as of the enrollment date and the type(s) of optional service and/or upgrade shall be indicated on the authorization form.
 - 3) The amount to be deducted on a monthly basis shall be clearly indicated on the authorization form. The monthly deduction shall remain constant except for the final payment, which may be less than the stated amount. The minimum monthly deduction must equal the lesser of the amount owed or \$50. However, if the authorization is for an upgrade balance, the maximum term allowed for the payment of such type of service shall be 5 years.
 - 4) The rate of interest shall equal the regular interest rate established in Section 16-112 of the Pension Code [40 ILCS 5/16-112] in effect on the enrollment date. However, no interest shall be charged to a member for that portion attributable to an upgrade contribution.
 - 5) The enrollment date shall be determined as follows:
 - A) If the deductions will occur on a periodic basis for more than one month, the enrollment date shall be the first day of the calendar quarter after the execution of the payroll deduction authorization by the member and on behalf of the employer.
 - B) If the deductions will occur during only one calendar month, the enrollment date shall be the first day of the calendar month in which the deduction will be made after the execution of the payroll deduction authorization by the member and on behalf of the employer.
 - 6) The execution and acceptance of the payroll deduction authorization must occur prior to the enrollment date.
 - 7) The payroll deduction authorization shall be irrevocable when the first deduction is made from the member's pay. An irrevocable payroll deduction authorization may only be terminated in accordance with subsection (h) below.
 - 8) The System will accept direct payments from the member to pay for separate upgrade balances not covered by an irrevocable payroll deduction authorization. A member, who has a valid, irrevocable payroll deduction authorization in effect, shall be prohibited from making after-tax contributions or authorizing rollovers for

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- the purpose of reducing his or her optional service balance.
- 9) A member may have a separate agreement for each type of optional service or identifiable upgrade cost.
- A) An agreement may cover more than one type of optional service and/or upgrade cost.
- B) A member shall have only one agreement with an employer for each type of optional service and/or upgrade cost, unless additional optional service is based upon employment or other qualifying event occurring after the enrollment period for the previous authorization for the same type of optional service and/or upgrade cost.
- 10) A payroll deduction authorization containing an unapproved change is void.
- e) The member shall forward the executed payroll deduction authorization to the member's employer.
- f) A duly-authorized representative of the employer shall execute the payroll deduction authorization on behalf of the employer prior to its enrollment date.
- 1) Prior to acceptance, the duly-authorized representative of the employer shall determine that:
- A) the member is employed by the employer on a full-time basis;
- B) the irrevocable payroll deduction authorization does not contain any handwriting other than the signature of the member and the date upon which the member executed the authorization; and
- C) the date on which the authorization is presented to the employer is prior to the enrollment date stated in the authorization.
- 2) Upon accepting the payroll deduction authorization, the duly-authorized representative of the employer shall:
- A) retain the upper portion of the authorization for its records; and
- B) sign the lower portion of the authorization and remit it to the Teachers' Retirement System at the address shown thereon prior to the first remittance.
- 3) The member's employer shall pick up the contributions from the same source of funds that is used to pay earnings to the member.
- 4) Prior to or on the 10th 15th day of the month following the month in which the deduction is made, the employer shall:
- A) remit to the System the payroll deduction by:
- i) check, cashier's check, or money order, along with an approved TRS remittance advice form; or
- ii) by electronic fund transfer; and
- B) send the System a mechanically-produced paper report that includes:
- i) each participating member's name, social security number, and the amount remitted on behalf of each member; and

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- ii) the name and social security number of each member who was scheduled to have an amount remitted but who had a qualifying event that terminated the agreement or who had an event that suspended the agreement and the reason or reasons for such termination or suspension.
- 5) The employer shall withhold the amount stated in the irrevocable payroll deduction authorization until the balance for which the authorization was made is paid in full or until such time that a qualifying event occurs that terminates the authorization for a particular member. Prior to the month in which the last payment will be made, the System shall inform the employer and the member of the amount of the last payment as well as the month in which the last payment is to be made, except for agreements of less than two months.
- 6) The employer shall not remit any payroll deduction program contributions on behalf of a member directly to the System without such contributions having been made through this payroll deduction program.
- g) A payroll deduction authorization shall be suspended (rather than terminated) if the member is not receiving a salary from the employer with whom the member made the authorization agreement for a period of time not to exceed one year and is promised renewed employment at the end of the period or has the right of re-employment pursuant to Section 24-12 of the School Code [105 ILCS 5/24-12]. At the end of the suspension period:
- 1) if the member is not re-employed within one year after the beginning of the suspension period, the authorization shall be terminated in accordance with subsection (h) below; or
- 2) if the member is re-employed, the employer shall deduct the amount stated in the agreement until the balance is paid in full or a qualifying event occurs that would terminate the authorization.
- h) A payroll deduction authorization terminates:
- 1) upon the payment in full of the balance (including interest) for which the authorization was made; or
- 2) after the occurrence of a qualifying event.
- A) The term "qualifying event" is defined as:
- i) the death of the member; or
- ii) the disability of the member; or
- iii) the retirement of the member; or
- iv) the termination of the member's employment status.
- B) The phrase "disability of the member" is defined as the cessation of salary from the employer due to the inability of the member to perform the duties of his or her position for an expected period of one year or more.
- C) The phrase "termination of the member's employment status" is defined as:
- i) the change of the member's full-time employment status

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to a substitute status or a part-time status, but does not include the change from a full-time covered position to a full-time non-covered position with the same employer; or

ii) the resignation or other termination of employment with the employer; or

iii) a suspension period that is greater than one year.

3) Upon termination of a non-upgrade-related payroll deduction authorization prior to the balance being paid in full:

A) the member may pay the remainder in full by an after-tax lump sum payment, by a rollover, or by executing a new payroll deduction authorization form with another employer; or

B) if the member does not pay the remainder in full prior to retirement and:

i) if the payment was for optional service credit, the portion of the optional service credit paid shall be credited to the member's account; or

ii) if the payment was for a repayment of a refund, the amount contributed shall be refunded to the member.

4) Upon termination of an upgrade-related payroll deduction authorization prior to the balance being paid in full, the provisions of 80 Ill. Adm. Code 1650.391 and 1650.392 shall apply.

i) For purposes of this Section:

1) The term "employer" shall mean the State of Illinois, excluding any State entity to the extent its employees are not paid through the State Comptroller and any employer of a teacher as defined in 40 ILCS 5/16-106.

2) The phrase "type of optional service" shall mean:

A) the following types of optional service credit described in Section 16-127 of the Pension Code [40 ILCS 5/16-127]: prior service as a teacher, out-of-system service, military service, General Assembly service, leaves of absence (including pre-1983 pregnancy and adoption leaves), substitute teaching, and part-time teaching; and

B) the repayment of a refund pursuant to Section 16-151 of the Pension Code [40 ILCS 5/16-151].

3) The phrase "a member who is employed on a full-time basis" shall mean:

A) a full-time teacher as defined in Section 16-106.1 of the Pension Code [40 ILCS 5/16-106.1]; or

B) if not currently a teacher under the provisions of Section 16-106 of the Pension Code [40 ILCS 5/16-106], a member who is determined to be employed full-time in accordance with the rules and practices of such employer.

(Source: Amended at 26 Ill. Reg. _____, effective

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_____)

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.470 Rollover Distributions

- a) Beginning January 1, 1993, any eligible recipient entitled to receive from the System a refund of contributions pursuant to the provisions of Sections 16-138, 16-143.2, or 16-151 of the Illinois Pension Code [40 ILCS 5/16-138, 16-143.2, 16-151]; a lump-sum benefit pursuant to the provisions of Sections 16-136.4, 16-141 or 16-142 of the Illinois Pension Code [40 ILCS 5/16-136.4, 16-141, 16-142]; or other nonperiodic distribution from the System may elect to have the taxable portion thereof paid in a direct rollover from the System to an eligible retirement plan designated in writing by the eligible recipient; provided, however, that any portion thereof which is a required distribution pursuant to any applicable provision of the Internal Revenue Code is not payable in a direct rollover.
- b) If the taxable portion of the distribution from the System is less than \$200, it is not payable in a direct rollover.
- c) If the taxable portion of the distribution from the System is at least \$200 but less than \$500, the entire sum must either be paid in a single direct rollover or to the eligible recipient.
- d) If the taxable portion of the distribution is greater than \$500, the eligible recipient may have a portion thereof paid to him or her and the balance paid in a direct rollover; provided, however, that the direct rollover must be at least \$500.
- e) Multiple direct rollovers from the System to more than one eligible retirement plan as defined below in subsection (f) of this Section are not allowed.
- f) An "eligible retirement plan" for purposes of this Section is any of the following:
- 1) An individual retirement account described in Section 408(a) of the Internal Revenue Code;
 - 2) An individual retirement annuity described in Section 408(b) of the Internal Revenue Code;
 - 3) An annuity plan described in Section 403(a) of the Internal Revenue Code; or
 - 4) A qualified trust described in Section 401(a) of the Internal Revenue Code that has agreed to accept the distribution; or
- 5) For rollover distributions made after December 31, 2001, an annuity contract described in Section 403(b) of the Internal Revenue Code; or
- 6) For rollover distributions made after December 31, 2001, an eligible plan under Section 457(b) of the Internal Revenue Code that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, and that agrees to separately account for

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- g) amounts transferred into the plan from the System.
- A "direct rollover" for purposes of this Section is a payment by the System to an eligible retirement plan specified by the eligible recipient as provided above in subsection (a) of this Section.
- h) An "eligible recipient" for purposes of this Section is:

- 1) A member of the System as defined in Section 16-107 of the Illinois Pension Code [40 ILCS 5/16-107]; or
- 2) A surviving spouse of a member of the System; or
- 3) For rollover distributions made after December 31, 2001, a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Section 414(p) of the Internal Revenue Code.

- i) If the eligible recipient elects a direct rollover from the System as provided in this Section, the eligible recipient shall certify in writing the following:

- 1) That he or she has read the "Special Tax Notice Regarding Payments from TRS"; and
 - 2) That the direct rollover is being made into an eligible retirement plan as defined in subsection (f) of this Section.
- j) If the eligible recipient elects a direct rollover from the System as provided in this Section, the eligible recipient shall obtain the certification in writing of the entity that is to receive the direct rollover as to the following:

- 1) That the entity receiving the direct rollover is legally eligible to receive such direct rollover;
- 2) That the entity receiving the direct rollover has agreed to accept such direct rollover;
- 3) That the direct rollover is being made to an eligible retirement plan as defined in subsection (f) of this Section; and
- 4) Identifying the type of eligible retirement plan as defined in subsection (f) of this Section to which the direct rollover is being made.

- k) In order to receive payment from the System in a direct rollover pursuant to this Section, the System must receive from the eligible recipient all of the following together, in the form or forms prescribed by the System:

- 1) An application for lump-sum distribution;
- 2) A rollover election;
- 3) A certification from the eligible recipient as provided above in subsection (i) of this Section; and
- 4) A certification from the entity receiving the direct rollover as provided above in subsection (j) of this Section.

- l) Payments from the System that are part of a series of equal or substantially equal periodic payments made at least once a year cannot be paid in a direct rollover, if such payments will last for:

- 1) The life or life expectancy of the person entitled to receive such payments;
- 2) The lives or joint life expectancies of the person entitled to

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- receive such payments and that person's beneficiary;
- 3) A period of ten years or more; or
 - 4) A period that represents any type of disability payment.

m) This subsection (m) is promulgated pursuant to Section 636(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001.

- 1) For purposes of direct rollovers made after December 31, 2001, any amount that is distributed on account of hardship shall not be an eligible rollover distribution, and the distributee may not elect to have any portion of that distribution paid directly to an eligible retirement plan.

- 2) For purposes of direct rollovers made after December 31, 2001, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includable in gross income. However, that portion may be transferred only to an individual retirement account or annuity described in Section 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in Section 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of the distribution that is includable in gross income and the portion of the distribution that is not so includable.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 1650.480 Rollovers to the System

- a) The System will accept rollovers to purchase optional service credit, repay refunds, or pay any other employee contribution authorized by Article 16 of the Pension Code [40 ILCS 5/16-101].
- b) Members are required to establish an account or accounts receivable with the System prior to initiating a rollover. The amount of the rollover cannot exceed the amount due the System.
- c) The System will accept member rollover contributions and/or direct rollovers of distributions made after December 31, 2001 from the following types of plans:

1) Direct Rollovers

The System will except a direct rollover of an eligible rollover distribution from:

- A) a qualified plan described in Section 401(a) or 403(a) of the Internal Revenue Code (IRC), including after-tax employee contributions;
- B) an annuity contract described in Section 403(b) of the IRC that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state;

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- C) an eligible plan under Section 457(b) of the IRC that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.
- 2) Participant Rollover Contributions from Other Plans
The System can accept a participant rollover contribution from the following types of plans:
- A) a qualified plan described in Section 401(a) or 403(a) of the IRC;
- B) an annuity contract described in Section 403(b) of the IRC; or
- C) an eligible plan under Section 457(b) of the IRC that is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state.
- 3) Participant Rollover Contributions from IRAs
The System will accept a participant rollover contribution of the portion of a distribution from an individual retirement account or annuity described in Section 408(a) or 408(b) of the IRC that is eligible to be rolled over and would otherwise be includable in gross income.
- 4) Any other rollover that may be authorized by federal law.
- d) Prior to accepting a rollover, the System may require the member to establish that the amounts to be transferred to the System meet the requirements of this Section, and may also require the member to provide an opinion of counsel satisfactory to the System that the amounts to be transferred meet the requirements of this Section.
- e) The System's acceptance of a rollover shall be subject to any applicable regulations, procedures, or other guidance issued by the Internal Revenue Service.
- a) The System may accept a rollover initiated by a member as payment for optional service credit, to repay a refund, or to pay the member contribution required to retire without discount. For a rollover to be accepted by the System, the following conditions must be met:
- 1) the member must establish an account receivable with the System prior to initiating the rollover;
 - 2) the rollover must be from an "eligible retirement plan" as defined in subsection (b) below and not jeopardize the System's tax-exempt status or create adverse consequences for the System;
 - 3) the rollover must be an "eligible rollover distribution" described in section 402(c) of the Internal Revenue Code (26 U.S.C. Section 402(c)) and the Treasury Regulations promulgated thereunder;
 - 4) the rollover funds must belong solely to the member and not to any other person including, without limitation, a spouse, unless the member obtains the funds as the result of a Qualified Domestic Relations Order (QDRO);
 - 5) the amount of the rollover does not exceed the amount due the

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- System, and
- 6) the member has provided the System with a rollover certification confirming that the rollover does not contain any deductible member contributions.
- b) For purposes of this Section, the term "eligible retirement plan" shall mean any tax-qualified plan under Internal Revenue Code sections 401(a) and 403(a) (26 U.S.C. 401(a), 403(a)) or a conduit individual retirement account/annuity as provided in Internal Revenue Code section 409 (26 U.S.C. 409).
- c) Prior to accepting any transfers to which this Section applies, the System may require the member to establish that the amounts to be transferred to the System meet the requirements of this Section and may also require the member to provide an opinion of counsel satisfactory to the System that the amounts to be transferred meet the requirements of this Section.
- d) The acceptance of a rollover shall be subject to any Regulations, procedures, or other guidance issued by the Internal Revenue Service.
- e) A member's rights with respect to the rollover contributions shall be 100 percent vested and nonforfeitable.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Office of the Inspector General (OIG)

2) Code Citation: 89 Ill. Adm. Code 430

3) Section Numbers: Adoption Action:

430.10	New
430.20	New
430.30	New
430.40	New
430.50	New
430.60	New
430.70	New
430.80	New
430.90	New
430.100	New
430.110	New
430.120	New

4) Statutory Authority: Implementing and authorized by Section 35.5 and 35.6 of the Children and Family Services Act [20 ILCS 505/35.5 and 35.6] and Section 5 of the Illinois Administrative Procedures Act [5 ILCS 100/5].

5) Effective Date of Rules: November 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in the Illinois Register: 25 Ill. Reg. 6810, June 1, 2001

10) Has JCAR issued a statement of objection to this rulemaking? No

11) Differences between proposal and final version: A new Section 430.70, "Administrative Leave", was added. The section limits the time that an employee on administrative leave or desk duty, as a result of an OIG recommendation, to 90 days.

In Section 430.50, a new subsection (d) was added to state that union representation, in conformance with the AFSCME contract with the State, shall not constitute obstruction.

In Section 430.100(a), language was also added that requires all recommendations for discipline, made by individual OIG investigators, must

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be signed by the Inspector General for consideration by the Director.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will these rules replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: The rule spells out the internal review process for the Department's Office of Inspector General in the conduct of its investigations. OIG record retrieval, the confidentiality of those records and reports of the OIG are all covered.

16) Information and questions regarding these adopted rules shall be addressed to:

Jeff E. Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe Street, Station #65
Springfield, Illinois 62701-1498
217/524-1983
TDD: 217/524-3715
FAX: 217/557-0692
E-Mail address: cfpolicy@idcfs.state.il.us

The full text of the adopted rules begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 430

OFFICE OF THE INSPECTOR GENERAL (OIG)

Section	Purpose
430.10	Definitions
430.20	Office of Inspector General (OIG) Investigations
430.30	Complaints
430.40	Cooperation with OIG Investigations
430.50	Records Retrieval
430.60	Administrative Leave
430.70	Subpoena Powers
430.80	Confidentiality
430.90	OIG Reports
430.100	Annual Reports
430.110	Severability
430.120	

AUTHORITY: Implementing and authorized by Section 35.5 and 35.6 of the Children and Family Services Act [20 ILCS 505/35.5 and 35.6] and Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5].

SOURCE: Adopted at 25 Ill. Reg. 14828, effective NOV 20 2011.

Section 430.10 Purpose

The purpose of this Part is to explain the internal review process for the Department's Office of Inspector General (OIG) investigations. This includes the filing of complaints, OIG records retrieval, subpoena power, confidentiality of information, and OIG reports.

Section 430.20 Definitions

"Administrator" means the person charged with administration of the Department Office, Private Agency or Licensed Child Care Facility. In the case of foster homes, it refers to either foster parent.

"Department" means the Department of Children and Family Services.

"Department Employee" means a full, part-time or contractual employee of the Department.

"Department Office" means a program, division or office of the Department.

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"Director" means the Director of the Department.

"Employee" means a person employed by, or on contract with, the Department, a private agency or licensed child care facility.

"Impounding" means requiring immediate production of records.

"Licensed Child Care Facility" means a foster home, day care center, child care institution, day care home, group day care home, secure care facility, group home, child welfare agency or youth emergency shelter, as defined in Section 10 of the Child Care Act [225 ILCS 10].

"Licensing Standards" means all rules and laws applicable to the operation and licensure of the particular licensed child care facility.

"Malfeasance" means a wrongful act that the actor has no legal right to do, or any wrongful conduct that affects, interrupts, or interferes with performance of an official duty.

"Management" means a private agency or Department employee who either supervises subordinate employees or manages or administers a program or division.

"Misfeasance" means the improper performance of some act that a person may lawfully do.

"Obstruction" means hindering or preventing from progress, stopping or delaying the progress of, or making the progress of an investigation difficult or slow.

"OIG" or "Inspector General" means the Office of Inspector General of the Department of Children and Family Services and includes the Inspector General, investigators and employees of the office.

"Private Agency" means a child welfare agency licensed through 89 Ill. Adm. Code 401 (Licensing Standards for Child Welfare Agencies) that contracts with the Department.

"Private Agency Employee" means a full or part-time employee or contractor of the private agency.

"Record" means any recording, either in written, audio, electronic transmission or computer storage form, including, but not limited to, drafts, memoranda, notes, reports, computer printouts, notations and messages, medical records, mental health records, case files, clinical records, and financial and administrative records.

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Section 430.30 Office of Inspector General (OIG) Investigations

- a) Investigations by the Office of Inspector General (OIG)
 - 1) The Office of Inspector General (OIG) of the Department of Children and Family Services investigates allegations of, or incidents of, possible misconduct, misfeasance, malfeasance, or violation of rules, procedures or laws by an employee, foster parent, service provider, or a contractor of the Illinois Department of Children and Family Services, or employees of the service provider or contractor. Any investigation conducted by the Inspector General shall be independent and separate from an investigation mandated by the Abused and Neglected Child Reporting Act [325 ILCS 5].
 - 2) The Inspector General investigates deaths or serious injuries in foster homes, child welfare institutions, independent living programs and other facilities licensed by the Department, as well as deaths or serious injury when there was an open child welfare service case or child protection investigation by the Department within the preceding 12 months.
 - 3) The Inspector General investigates complaints relating to child welfare employee licensure pursuant to this Part and 89 Ill. Adm. Code 412 (Licensure of Direct Child Welfare Services Employees and Supervisors).
- b) Operation of the Office of Inspector General (OIG)
 - 1) The OIG shall be independent of the operations of the Department and shall report to the Director and perform all other duties the Director may designate.
 - A) The files of the Inspector General shall remain separate from other files of the Department and shall not be open for review by the Department or the general public.
 - B) Investigations will be conducted separately from any Department investigations, including Independent Utilization Reviews and reviews or audits conducted pursuant to 89 Ill. Adm. Code 434 (Audits, Reviews and Investigations).
 - 2) The Inspector General shall have access to all information and personnel necessary to perform the duties of the office.
 - 3) The Inspector General shall be the primary liaison between the Department and the Illinois State Police. As such, Department management personnel shall report all known criminal acts impacting on professional duties of employees to the Inspector General, who will coordinate with the Illinois State Police.
 - 4) A full OIG investigation consists of:
 - A) Retrieval of relevant records, either through subpoena, impounding or voluntary production;
 - B) Review of all relevant documentation; and
 - C) Interviews of all relevant persons.

Section 430.40 Complaints

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- a) The Office of Inspector General accepts complaints in writing from the general public. The OIG also maintains a toll-free hotline for public complaints. Anyone wishing to file a complaint with the office may send written comments to:

Office of the Inspector General
Illinois Department of Children and Family Services
2240 West Ogden
Chicago IL 60612
Call toll-free at 1-800-722-9124
- b) Complaints will be evaluated to determine if they suggest possible misconduct, misfeasance, malfeasance, or violation of rules, procedures or statutes by a:
 - 1) DCFS employee;
 - 2) foster parent;
 - 3) service provider or its employees; or
 - 4) contractor of DCFS or its employees.
- c) All complaints shall be reviewed to determine whether a full investigation is warranted.
- d) Complaints will not be accepted unless:
 - 1) The complaint alleges misconduct, misfeasance or malfeasance or a violation of rules, procedures or statutes or a basis for employee licensure action pursuant to 89 Ill. Adm. Code 412.
 - 2) The complaint is against a person within the jurisdiction of the Inspector General's office.
 - 3) The allegations can be independently verified through investigation.
- e) The Inspector General will determine within 2 weeks after receipt of a complaint whether it will be accepted for an initial investigation. A full investigation will include an examination of all relevant documents and interviews of relevant persons.
- f) Complaints alleging a basis for a child welfare services employee licensure action will be submitted to the appointed staff of the Child Welfare Employee Licensure Board and will be evaluated pursuant to 89 Ill. Adm. Code 412.60 (Investigation, Notice and Proceedings Involving Formal Complaints).

Section 430.50 Cooperation with OIG Investigations

- a) All Department and private agency employees, foster parents and owners, operators and employees of licensed child care facilities shall cooperate with the OIG. Cooperation includes, but is not limited to:
 - 1) permitting full access to, and production of, information and records in accordance with this Part. Information and records can be shared with the OIG without violating confidentiality provisions;

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- 2) fair and honest disclosure of documents and information reasonably requested by the Inspector General in the performance of his/her duties;
 - 3) management encouraging employees to fully comply with reasonable requests of the Inspector General in the performance of his/her duties;
 - 4) management prohibiting retaliation against employees for providing information or records or complaining to the Inspector General;
 - 5) management being prohibited from requiring employees to seek supervisory approval prior to filing a complaint with, or providing information or records to, the Inspector General;
 - 6) employees providing complete and truthful answers to questions; and
 - 7) employees not willfully interfering or obstructing the OIG investigation.
- b) Failure to cooperate with an OIG investigation may result in discipline, up to and including discharge, or other sanction.
 - c) Any person who fails to appear in response to a subpoena issued by the OIG or to answer any question or produce any books or papers relevant to an investigation conducted in accordance with this Part, or who knowingly gives false testimony in relation to such investigation, is guilty of a Class A misdemeanor. *The power to subpoena or to compel the production of books and papers, however, shall not extend to the person or documents of a labor organization or its representatives insofar as the person or documents of the labor organization relate to the function of representing an employee subject to an investigation under this Part [20 ILCS 505/35.5(g)].*
 - d) Union representation, in conformance with Article IX, Section 6(b) of the AFSCME Agreement with the State of Illinois, dated July 1, 2000-June 30, 2004, shall not be considered obstruction.

Section 430.60 Records Retrieval

- a) In conducting investigations, the OIG shall access all relevant records, either through subpoena, impounding or voluntary production. The OIG investigator may impound the original of any record, file, document or paper necessary for the investigation from any Department office, licensed child care facility, or private agency that is pertinent to an investigation conducted pursuant to this Part. All case files, licensing files, medical records, financial and administrative records, and records required to be maintained pursuant to applicable licensing rules shall be subject to production and review by the Inspector General without subpoena.
- b) Compliance with impounding requires:
 - 1) production of all records noted;
 - 2) a diligent search to ensure that all appropriate records are included in the materials forwarded to the OIG;

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- 3) a continuing obligation to immediately forward to the OIG any relevant records received, located or generated after the date of the impound.
- c) The OIG may impound original records from any Department office, licensed child care facility, or private agency relevant to an investigation conducted in accordance with this Part.
 - 1) The OIG shall seek access in a manner that respects the dignity and human rights of all persons involved, maintains the integrity of the investigation and does not unnecessarily disrupt programs and/or services. When advance notice to an administrator or his or her designee is not provided, the OIG shall, upon arrival at the private agency, licensed child care facility or Department office, request that an on-site employee notify the administrator or his or her designee of the OIG's arrival.
 - 2) During business hours, the OIG may make an unannounced visit to a Department office, licensed child care facility or private agency to impound records relevant to an investigation.
 - 3) If it is necessary to impound records after business hours, the investigator shall seek access to a Department office, licensed child welfare facility or private agency by contacting the relevant administrator.
 - 4) The administrator may be asked to sign a Statement of File Integrity and Security stating, when the file was secured for impounding:
 - A) that the administrator has made a diligent search of the office, agency or facility to determine that all appropriate documents in existence at the time of impounding were produced;
 - B) that the administrator agrees to forward any relevant documents received, located or generated after the impound to the OIG immediately;
 - C) persons who have had access to the material since it was secured; and
 - D) whether, to the knowledge of the administrator, any documents were removed or added to the file since it was secured.
 - 5) The OIG will permit an employee of the private agency, child welfare facility, or Department office to make photocopies of the original file within a reasonable period of time in the presence of the investigator for purposes of creating a working file in a manner that assures confidentiality.
 - 6) The OIG shall present to the administrator or other employee of the private agency, Department office or licensed child care facility, a copy of the Notice of Impounding/File Retrieval, stating the date of impounding or retrieval and the titles of files impounded or retrieved.
 - 7) Except in investigations involving death or serious injury, the OIG shall return the original impounded file as soon as

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practicable, but no later than 10 working days after the date of impoundment. The OIG shall return a copy in lieu of an original document whenever a copy satisfactorily cannot duplicate information contained in the original document and, on the face of the document, the OIG shall indicate that it is a copy and where the original can be located. Copies of impounded documents relevant to the findings of the investigation will be retained by the OIG for a minimum of 10 years.

- 8) For death investigations, the original file shall be returned to the DCFS Office of Legal Services, upon completion of the investigation or any subsequent proceedings resulting from the investigation, but the OIG may retain copies or originals of the documents for the investigative file. The OIG shall return a copy, in lieu of an original document, whenever a copy satisfactorily cannot duplicate information contained in the original document and, on the face of the document, the OIG shall indicate that it is a copy and where the original can be located.
- 9) All investigations conducted by the OIG shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

Section 430.70 Administrative Leave

Whenever an employee of the Department or a private agency is placed on administrative leave or desk duty as a result of an interim OIG recommendation, the administrative leave or desk duty shall not exceed 90 days.

Section 430.80 Subpoena Powers

- a) *The Inspector General shall have the power to subpoena witnesses and compel the production of records pertinent to an investigation authorized under this Part.*
- b) *The OIG may not subpoena witnesses or compel the production of records from a labor organization or its representatives, insofar as the witness or record sought relates to the function of representing an employee subject to investigation under this Part.*
- c) *Any person who fails to appear in response to a subpoena or to answer any question or produce any records pertinent to an investigation under this Part, except as otherwise provided in subsection (b) of this Section, or who knowingly gives false testimony in relation to an investigation under this Part is guilty of a Class A misdemeanor.* [20 ILCS 505/35.5(g)]

Section 430.90 Confidentiality

- a) OIG investigations access information that is confidential pursuant to numerous State and federal statutes and administrative rules. OIG reports are confidential because they contain information gleaned from

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- b) The OIG shall redact confidential information, as required by law and/or 89 Ill. Adm. Code 431 (Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services).
- c) OIG reports shall not be subject to disclosure under the Freedom of Information Act [5 ILCS 140].

- d) The Department and the OIG shall protect from retaliation any person who files a complaint or provides information in good faith. To protect persons from retaliation, the OIG may withhold the identity of sources of information.

Section 430.100 OIG Reports

- a) The Inspector General's report to the Director shall be in writing and shall contain recommendations. The OIG may recommend systemic reform or case-specific action, including a recommendation for discharge or discipline of either Department or private agency employees or for sanctions against a private agency or foster parent. Individual OIG investigators may not make recommendations for discipline. All recommendations to pursue discipline must be in writing and must be signed by the Inspector General for consideration by the Director. Private agencies that are the subject of reports and Department management shall review and assess whether practice and systems issues raised by individual case-based OIG reports may offer guidance in remedying failings in the field.

- b) Reports to the Director
 - 1) Reports will be shared with the Director within one week after completion.
 - 2) After a report is submitted to the Director, the Director shall determine whether to accept, reject, or request modification of the recommendations contained in the report.
 - 3) If a recommendation is not accepted, the Inspector General may delete or modify the recommendation.
 - 4) When the Director has accepted the recommendations contained in the report, portions of the report shall be provided to the private agency that is the subject of a recommendation and with those involved in the implementation of the recommendation. Those receiving any OIG report may not further distribute the report or any confidential information contained in the report.
- c) The Inspector General and the Director of DCFS may distribute the report to: the private agency or Department office that is currently handling the child or family case; the juvenile court judge before whom the child or family case is pending; or the children's guardian ad litem, to the extent that doing so is relevant to the child's welfare. Those receiving OIG reports pursuant to this subsection (c) may not further disclose the report or any confidential information

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contained in the report.

- 1) Whenever the OIG determines that sharing a report with either the court or the current child welfare agency is necessary, it will notify both the Director and the private agency involved that the report is being disseminated.
- 2) Notification is not required where reports are redacted for use as teaching tools, including use as appendices to the OIG Annual Report.
- 3) OIG reports disseminated pursuant to this Section, other than those redacted and disseminated as teaching tools, may not be further disseminated without the approval of the Director.
- d) An OIG report that identifies misfeasance, malfeasance or misconduct of a Department employee or private agency employee that is relevant to providing appropriate supervision of the employee may be shared with the Department office or private agency for which the employee works. The employer may not further distribute the OIG report or any confidential information contained in the report.

1) Recommendations Concerning a Private Agency or Private Agency Employee

- A) When the Director has accepted recommendations concerning a private agency or private agency employee, the Inspector General shall transmit a copy of the report to the executive director of the private agency within 15 days after the date that the recommendations were accepted. If the Director has not accepted recommendations concerning a private agency, the OIG report will not be transmitted to the private agency.
 - B) Portions of the report may be redacted to preserve confidentiality.
 - C) The Inspector General may arrange a meeting to discuss the recommendations with the executive director, chairman or president, and the board of directors, of any private agency or child care facility that is the subject of an OIG recommendation.
 - D) The OIG report may be shared with any employee or private agency that is the subject of a recommendation and those involved in implementation of the recommendations.
- #### 2) Private Agency Response
- A) Within 45 days after receipt of the report, the private agency may submit a written response to the OIG to correct any factual errors in the report.
 - B) The Inspector General will consider all documents submitted by the private agency to determine whether a corrected report will be issued.
 - C) If the OIG determines that a corrected report is necessary, the corrected report shall be issued within 14 days after receipt of the private agency's written response.
 - D) If the OIG does not issue a corrected report, or if the

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- corrected report does not address all issues raised within the written response from the private agency, the private agency may request that the written response, or portions of the response, be appended to the report or corrected report.
- e) OIG reports that are generated from child welfare employee licensure investigations will be submitted to the Child Welfare Employee Licensure Board and will be handled according to 89 Ill. Adm. Code 412.

Section 430.110 Annual Reports

The OIG shall provide to the General Assembly and the Governor, no later than January 1 of each year, a summary of reports and investigations made under this part for the previous fiscal year. The summaries shall detail recommendations and the status of implementation of recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. [20 ILCS 505/35.5(h)]

Section 430.120 Severability

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Designation of Agent
- 2) Code Citation: 83 Ill. Adm. Code 215
- 3) Section Numbers: Adopted Action:
 215.10 Amendment
 215.30 Amendment
 215.40 Amendment
 215.50 Amendment
- 4) Statutory Authority: Implementing Sections 4-101, 16-108, and 16-115 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/4-101, 16-108, 16-115 and 10-101].
- 5) Effective Date of Amendments: November 1, 2001
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 25, 2001, at 25 Ill. Reg. 6578
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
 Added Sections 215.30, 215.40, and 215.50 to this rulemaking and amended them as shown to provide clarity and consistency throughout the Part.
 Revised original proposed amendment to Section 215.10 to make the rulemaking consistent with recent changes in the ICC Rules of Practice (83 Ill. Adm. Code 200). The amended section clarifies that, in addition to public utilities, telecommunications carriers, alternative retail electric suppliers, and meter service providers are required to annually designate an Illinois agent for specified purposes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: With the addition of Article XVI to the Public Utilities Act, there have been created new regulated entities that are not public utilities currently subject to Part 215. It is appropriate at this time to amend Part 215 to require alternative retail electric suppliers and meter service providers to comply with the same information filing regulations to which traditional public utilities are subject. The Commission has also used this rulemaking to recognize the use of electronic media in communications.
- 16) Information and questions regarding these adopted amendments shall be directed to:
 Conrad S. Rubinkowski
 Office of General Counsel
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield, IL 62701
 (217) 785-3922

The full text of the adopted amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO
MORE THAN ONE KIND OF UTILITY

PART 215

DESIGNATION OF AGENT

- Section
215.10 Designation of Agent
215.20 Out-of-State Agent for Foreign Corporations
215.30 Service of Process, Notices or Demands
215.40 Filing of Name and Address of Chief Executive Officer
215.50 Report of Change of Chief Executive Officer or Agent

AUTHORITY: Implementing Sections 4-101, 16-108, and 16-115 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/4-101, 16-108, 16-115 and 10-101].

SOURCE: Filed and effective December 7, 1973; codified at 8 Ill. Reg. 12181; amended at 13 Ill. Reg. 4650, effective April 1, 1989; amended at 25 Ill. Reg. 14840, effective NOV 1 2001.

Section 215.10 Designation of Agent

- a) Every public utility, telecommunications carrier, alternative retail electric supplier (ARES) and meter service provider (MSP) subject to the provisions of the Public Utilities Act ("Act") [220 ILCS 5/111-Rev.-1987; ch. 111-3/37; par. 1-101--et--seq.] and the Illinois Commerce Commission's (Commission) rules shall annually designate in writing, for a form prescribed by the Illinois Commerce Commission ("Commission"), an agent within the State of Illinois upon whom service of all process, notices and demands may be had for and on behalf of the public utility, telecommunications carrier, ARES and MSP, in any proceeding before the Commission. Each public utility shall file the designation in the office of the Chief Clerk of the Commission at Springfield, Illinois, after January 1 and prior to January 31 of each year.

- b) For purposes of this Part, "public-utility" includes--all telecommunications-carriers-as-defined-in-Section-13-202-of-the-Act.

"Alternative retail electric supplier" has the same meaning as in Section 16-102 of the Act [220 ILCS 5/16-102].

"Meter service provider" has the same meaning as in Section 460.10 of the Commission's rules "Certification Requirements and Standards of Service for Meter Service Providers" (83 Ill. Adm. Code 460.10).

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"Public utility" has the same meaning as in Section 3-105 of the Act [220 ILCS 5/3-105].

"Telecommunications carrier" has the same meaning as in Section 13-202 of the Act [220 ILCS 5/13-202].

- c) The required information for each designated agent shall include the name, address, telephone number, any facsimile number and any e-mail address.

(Source: Amended NOV 1 2001 at 25 Ill. Reg. 14840, effective NOV 1 2001)

Section 215.30 Service of Process, Notices or Demands

Service of all process, notices or demands may be made upon a public utility, telecommunications carrier, ES or MSP by mailing in the United States mail, or by transmitting by electronic means, as provided by the 83 Ill. Adm. Code 200.150, a copy to the utility's designated agent within the State of Illinois at the address designated.

(Source: Amended NOV 1 2001 at 25 Ill. Reg. 14840, effective NOV 1 2001)

Section 215.40 Filing of Name and Address of Chief Executive Officer

At the time of filing the information specified in Section 215.10(c) of this Part name-of-the-designated-agent, the, each public utility, telecommunications carrier, ARES and MSP shall also file the name, and address, telephone number, any facsimile number and any e-mail address of the its chief executive officer of-that-utility.

(Source: Amended NOV 1 2001 at 25 Ill. Reg. 14840, effective NOV 1 2001)

Section 215.50 Report of Change of Chief Executive Officer or Agent

Within fifteen-15 days after any change (regarding the of chief executive officer or designated agent, a report of such action, and the information relative to the new chief executive officer or designated agent required to be filed under this Part, shall be filed with the Commission at its Springfield office.

(Source: Amended NOV 1 2001 at 25 Ill. Reg. 14840, effective NOV 1 2001)

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NOTICE OF ADOPTED REPEALER

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Effect of Adoption of Electric Lease-Cost Plans

2) Code Citation: 83 Ill. Adm. Code 441

3) Section Number: 441.10
Adopted Action: Repeal

4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101]

5) Effective Date of Repeal: November 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register:
June 29, 2001, at 25 Ill. Reg. 7766

10) Has JCAR issued a Statement of Objection to this repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: In 1996, the Illinois Commerce Commission adopted 83 Ill. Adm. Code 441, "Effect of Adoption of Electric Least-Cost Plans". This Part, while implementing Section 10-101 of the Public Utilities Act ("Act"), gave effect to Section 8-402 of the Act. Section 8-402 of the Act was repealed by P.A. 90-561, effective December 16, 1997. With the repeal of the underlying statutory basis for this Part, repeal of the Part is appropriate.

16) Information and questions regarding this adopted repealer shall be directed to:
Conrad S. Rubinkowski
Office of General Counsel (217) 785-3922
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
- 1) Heading of the Part: Fees and Taxes

2) Code Citation: 92 Ill. Adm. 1205

3) Section Numbers:
1205.10 Amend
1205.100 Repeal
1205.110 Repeal
1205.115 Repeal
1205.210 Repeal
1205.220 Repeal
1205.300 Repeal

4) Statutory Authority: Implementing and authorized by Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1501, 18c-1502 and 18c-5102].

5) Effective Date of Amendments: November 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: 25 Ill. Reg. 6430, May 18, 2001

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rulemaking currently in effect?
No

14) Are there any rulemakings pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking sets forth the fees currently being charged to intrastate and interstate public carriers and repeals other fees which have either become obsolete, been eliminated or been consolidated as part of the household goods rules (92 Ill. Adm. Code 1457) or the relocation towing rules (92 Ill. Adm. Code 1710).

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- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Kathy Campbell
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62701 (217) 785-4869

The full text of the adopted amendments begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1205
FEES AND TAXES

SUBPART A: FILING AND ANNUAL FEES

Section
1205.10 Filing and Annual Fees
1205.20 Late-Filing Fees (Repealed)

SUBPART B: ANNUAL VEHICLE FEES

Section
1205.100 Intrastate Motor Carriers of Property (Repealed)
1205.110 Interstate Motor Carriers of Property (Repealed)
1205.115 Ordering Fees (Repealed)

SUBPART C: GROSS RECEIPTS TAXES

Section
1205.200 Gross Receipts Taxes for Motor Carriers of Passengers (Repealed)
1205.210 Gross Receipts Taxes for Rail Carriers (Repealed)
1205.220 Gross Receipts Taxes for Common Carrier Pipelines (Repealed)

SUBPART D: PAYMENT PROCEDURES

Section
1205.300 Payment of Fees (Repealed)

SUBPART E: TEMPORARY FILING AND VEHICLE FEES

Section
1205.400 Temporary Filing Fees, Annual Vehicle Fees and Ordering Fees (Repealed)

AUTHORITY: Implementing and authorized by Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(9), 18c-1501, 18c-1502 and 18c-5102].

SOURCE: Emergency rules adopted at 11 Ill. Reg. 1497, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9853, effective May 8, 1987; amended at 12 Ill. Reg. 15540, effective October 1, 1988; amended at 13 Ill. Reg. 11460, effective July 1, 1989; amended at 18 Ill. Reg. 11155, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 16464, effective October 21, 1994, for a maximum of 150 days; emergency rule expired March 20,

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1994; amended at 19 Ill. Reg. 8198, effective June 8, 1995; amended at 21 Ill. Reg. 3831, effective March 13, 1997; amended at 25 Ill. Reg. 14845, effective NOV 1 2001.

SUBPART A: FILING AND ANNUAL FEES

Section 1205.10 Filing and Annual Fees

Filing and application fees for other than household goods carriers and relocation towers shall be as follows:

- a) Application for Public Carrier Certificate \$50
- b) Petition for Certificate of Exemption \$50
- c) Application for non-relocation towing license \$50
- d) Equipment lease filing \$15
- e) Application for Broker's license \$50
- f) Annual fee for each vehicle operated under a Public Carrier Certificate \$5

- g) Annual fee for each vehicle operated in interstate commerce under the Single State Registration Program or as an exempt interstate carrier \$7

Filing fees for proceedings under the Illinois Commercial Transportation Law (625 ILCS 5/10c-1101 et seq.) shall be as follows:

- a) Motor carrier of property license application
 - 1) Application for new license \$300
 - 2) Application for temporary authority
 - A) Application for temporary authority \$300
 - B) Application for emergency temporary authority \$300
 - C) Other application for new license (less than general commodity) \$600
 - D) General commodity application (common or contract) \$900
 - 3) Application for extended license
 - A) For temporary authority \$300
 - B) For emergency temporary authority \$300
 - C) Other application for extended license \$600
 - 4) Application to transfer license
 - A) Transfer under Section 10c-4306 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1907, ch. 95-1/2, par. 10c-4306) \$300
 - B) Other application to transfer license \$600
 - 5) Application to reinstate a suspended or revoked license or vacated order
 - A) Application for new or extended non-relocation towing license \$600
 - B) Petition to restate commodity description \$25
 - C) Petition for certificate of exemption \$300
 - D) Petition for interpretation of authority \$250

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- e) Petition to amend authority \$-75
- f) Petition for name change \$-75
- g) Rate filings
 - 1) Application for authority to establish a released value rate \$-75
 - 2) Special permission application \$-75
- h) Application to register as an exempt interstate motor carrier of property or passengers \$-25
- i) Motor carrier of property equipment lease filing \$-25
- j) Tariff maintenance fee payable by December 31 of each year \$-30
- k) Motor carrier of property proof of insurance coverage filing \$-25
- l) Broker's license application \$600
- 1) Application for broker's license \$300
- 2) Application to transfer broker's license \$-25
- m) Intervention per intervenor \$300
- n) Application for Temporary Public Carrier Certificate (Source: Amended at 25 Ill. Reg. 14845, effective NOV 1 2001)

SUBPART B: ANNUAL VEHICLE FEES

Section 1205.100 Intrastate Motor Carriers of Property (Repealed)

- a) The annual franchise and franchise renewal fee for each vehicle operated by or under authority of an intrastate motor carrier of property authorized to transport household goods is \$25-00 whether or not the vehicle is used in the transport of household goods.
- b) For calendar year 1995 and subsequent years the annual fee for each vehicle operated by an intrastate motor carrier of property (other than household goods) is \$6-00.

(Source: Repealed at 25 Ill. Reg. 14845, effective NOV 1 2001)

Section 1205.110 Interstate Motor Carriers of Property (Repealed)

The annual fee for each vehicle operated by or under authority of an interstate motor carrier is \$7-00:

(Source: Repealed at 25 Ill. Reg. 14845, effective NOV 1 2001)

Section 1205.115 Ordering Fees (Repealed)

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(Source: Automatically repealed effective January 1, 1998)

Each order for the vehicle cab cards and identifiers (see 92 Ill. Adm. Code 1302) signifying payment of the fees in Sections 1205.100 and 1205.110 shall be accompanied by a \$10.00 fee, regardless of the number or combination (intrastate or interstate) of cab cards and identifiers requested.

(Source: Repealed, at 25 Ill. Reg. 14845, effective 1/1/00)

SUBPART C: GROSS RECEIPTS TAXES

Section 1205.210 Gross Receipts Taxes for Rail Carriers (Repealed)

The amount of the tax for rail carriers shall be 0.33% of the carrier's gross Illinois Intrastate Revenues for each calendar year (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 18c-1502).

(Source: Repealed, at 25 Ill. Reg. 14845, effective 1/1/00)

Section 1205.220 Gross Receipts Taxes for Common Carrier Pipelines (Repealed)

The level of gross receipts tax for common carrier pipelines is 1% of annual gross receipts.

(Source: Repealed, at 25 Ill. Reg. 14845, effective 1/1/00)

SUBPART D: PAYMENT PROCEDURES

Section 1205.300 Payment of Fees (Repealed)

- a) Filing fees shall be payable at the time and place the document(s) is tendered for filing.
- b) Filings shall not be deemed to have taken place until the filing fee has been properly paid.
- c) Filing and copying fees shall not be refundable except for:
 - 1) Overpayments; and
 - 2) Fees for filings over which the Commission does not have jurisdiction.

(Source: Repealed, at 25 Ill. Reg. 14845, effective 1/1/00)

SUBPART E: TEMPORARY FILING AND VEHICLE FEES

Section 1205.400 Temporary Filing Fees, Annual Vehicle Fees and Ordering Fees (Repealed)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Least-Cost Planning for Electric Utilities

2) Code Citation: 83 Ill. Adm. Code 440

3) Section Numbers: Adopted Action:

440.10 Repeal
440.100 Repeal
440.200 Repeal
440.210 Repeal
440.220 Repeal
440.240 Repeal
440.300 Repeal
440.310 Repeal
440.400 Repeal
440.410 Repeal
440.420 Repeal
440.430 Repeal
440.500 Repeal
440.510 Repeal
440.520 Repeal
440.600 Repeal
440.610 Repeal
440.620 Repeal
440.640 Repeal
440.650 Repeal
440.660 Repeal
440.700 Repeal
440.800 Repeal
440.810 Repeal
440.900 Repeal
440.910 Repeal

4) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101].

5) Effective Date of Repealer: November 1, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) A copy of the adopted repealer is on file in the Commission's Springfield office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: June 29, 2001, at 25 Ill. Reg. 7770

10) Has JC&R issued a Statement of Objection to this repealer? No

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NOTICE OF ADOPTED REPEALER

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? No agreements were necessary.

13) Will this repealer replace an emergency repealer currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: In 1989, 83 Ill. Adm. Code 440, "Least-Cost Planning for Electric Utilities", became effective. This Part implemented Section 8-402 of the Public Utilities Act ("Act"). Section 8-402 of the Act was repealed by P.A. 90-561, effective December 16, 1997. With the repeal of the underlying statutory basis for this Part, repeal of the Part is appropriate.

16) Information and questions regarding this adopted repealer shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
(217)785-3922

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Numbers: Adopted Action:
50.230 Amendment
50.310 Amendment
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

5) Effective Date of Amendments: October 31, 2001

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: July 6, 2001 (25 Ill. Reg. 8084)

10) Has JCAR Issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments.

1. Section 50.230(d)(1) was revised as follows: "if care was provided at that time and all eligibility factors are met, on either:

- A) the date of the parent's signature; or
B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or

2. In Section 50.230(e), the underlining was deleted from "10".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will these amendments replace any emergency amendments currently in effect? Yes

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Amendments: These amendments revise child care payment provisions.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50

CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section

- 50.101 Incorporation by Reference
50.110 Participant Rights and Responsibilities
50.120 Notification of Available Services
50.130 Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section

- 50.210 Child Care
50.220 Method of Providing Child Care
50.230 Child Care Eligibility
50.235 Income Eligibility Criteria
50.240 Qualified Provider
50.250 Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section

- 50.310 Fees for Child Care Services
50.320 Maximum Annual Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section

- 50.410 Provider Eligibility
50.420 Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

Section

- 50.510 Great START Program
50.520 Method of Providing the Wage Supplement
50.530 Eligibility
50.540 Employer Responsibility
50.550 Notification of Eligibility
50.560 Phase-in of Wage Supplement Scale
50.570 Wage Supplement Scale

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

50.580 Evaluation

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective July 1, 2001.

SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
- 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the annual income ceilings in subsection (b)(2) of this Section.
 - 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose annual incomes do not exceed the following amounts by family size:

Family Size	Annual Income
2	\$17,663
3	\$21,819
4	\$25,975
5	\$30,131
6	\$34,288
7	\$35,067
8	\$35,846

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) Subject to an annual allocation of \$7.5 million, families who do not receive TANF and need child care services in order to attend school or training (up to and including the acquisition of a Bachelor's Degree) and whose annual income does not exceed the annual income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the annual income ceiling in subsection (b)(2) of this Section for that family size. Enrollment for child care under this subsection (b)(3) will be stopped when the projected annual costs for enrolled participants reaches \$7.5 million.

c) All families must be residents of Illinois.

d) Payment for child care services to eligible parents may begin: Payment for child care services to eligible parents may begin on the first day of the month before the month in which the application is received by the Department or its agents.

- 1) if care was provided at the time and all eligibility factors are met, on either:

A) the date of the parent's signature; or

B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later;

or

- 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 25 Ill. Reg. 14854, effective 06/31/2001.)

SUBPART C: PAYMENT FEES

Section 50.310 Fees for Child Care Services

All parents must share in the cost of child care as illustrated in Section 50.320. If the care is for less than 5 hours per day, the parent share is 50% of the amount shown, rounded up to the nearest cent. All parents must share in the cost of child care as illustrated in Section 50.320. If care is for less than 5 hours per day, the parent share is 50% of the amount shown, rounded up to the nearest cent. These parent fees will be explained to parents beginning in July 1997 and will be collected beginning in October 1997.

(Source: Amended at 25 Ill. Reg. 14854, effective 06/31/2001.)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 14
- 3) Section Numbers:
14.45 Adopted Action:
14.55 Amendment
 Amendment
- 4) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].
- 5) Effective Date of Amendments: October 30, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 1, 2001, 25 Ill. Reg. 6822
- 10) Has JCAR Issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 14.45, after (b), added "Requests for Postponement or Continuance 1) More Than 2 Business Days Prior to Scheduled Hearing Date".
Also, in Section 14.25, added: "2) Less Than 2 Business Days Prior to Scheduled Hearing Date" in subsection (b).
In the same subsection (b), after "hearing date", added "does not require written submission, but".
In Section 14.45 (d)(2), after "submission", added "of at least 2 business days prior to the scheduled hearing date".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- | | | |
|---|--|---|
| <ol style="list-style-type: none"> 14.340 <u>Section Number</u> | <ol style="list-style-type: none"> 14.340 <u>Proposed Action</u> | <ol style="list-style-type: none"> 25 Ill. Reg. 9458, 7/27/01 <u>Illinois Register Citation</u> |
|---|--|---|
- 15) Summary and Purpose of Rulemaking: This rulemaking amends the Section on "Postponement or Continuance of Hearings" to add clarifying language. This area was commented on during the adoption of the rulemaking and these changes are directed at clarifying these two Sections.
 - 16) Information and questions regarding this adopted rulemaking shall be directed to:

Ms Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield Illinois 62762
(217) 785-9772

The full text of adopted amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER A: GENERAL PROVISIONS

PART 14

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

- 14.1 Purpose
- 14.2 Incorporation by Reference
- 14.5 Definitions
- 14.10 Initiation of an Appeal
- 14.11 Pre-Hearing Meeting
- 14.12 Review of Case Record
- 14.15 Notice of Hearing
- 14.20 Venue and Conduct of Hearings
- 14.21 Representation
- 14.22 Appellant Participation in Hearing
- 14.23 Evidentiary Requirements
- 14.30 Subpoenas
- 14.35 Amendment of Appeal
- 14.40 Consolidation of Appeals
- 14.45 Postponement or Continuation of Hearings
- 14.50 Withdrawal of Appeal
- 14.55 Closing of Hearing Record
- 14.60 Dismissal of Appeal
- 14.70 Final Administrative Decision
- 14.80 Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

- 14.100 Responsible Relative and Joint Payee Petitions
- 14.101 Petition for Hearing
- 14.102 Conduct of Administrative Support Hearings

SUBPART C: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section

- 14.300 Suspected Intentional Violation of the Program
- 14.310 Advance Notice of Administrative Disqualification Hearing
- 14.320 Postponement of Hearing
- 14.330 Administrative Disqualification Hearing Procedures
- 14.340 Failure to Appear
- 14.350 Participation While Awaiting a Hearing
- 14.360 Consolidation of Administrative Disqualification Hearing with Fair

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Hearing

- 14.370 Administrative Disqualification Hearing Decision and Notice of Decision
- 14.380 Appeal Procedure

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Adopted at 25 Ill. Reg. 5335, effective March 15, 2001; amended at 25 Ill. Reg. 14860, effective 06/18/2001.

SUBPART A: ASSISTANCE APPEAL

Section 14.45 Postponement or Continuation of Hearings

- a) The Department may postpone or continue a hearing as provided in this Section. As used in this Section, a "postponement" is a decision not to convene the hearing on its scheduled date. A "continuance" is a decision not to proceed with a hearing that has convened.

c) Requests for Postponement or Continuance

1) More Than 2 Business Days Prior to Scheduled Hearing Date

A request for postponement or continuance may be made by the appellant or the appellant's authorized representative. Except for the appellant's request for the first postponement of a food stamp appeal, a request to postpone a hearing must be in writing and received by the Bureau of Assistance Hearings at least 2 business days prior to the scheduled hearing date.

2) Less Than 2 Business Days Prior to Scheduled Hearing Date

A request for postponement made less than 2 business days prior to the scheduled hearing date does not require written submission, but will be granted only upon a showing of good cause as defined in Section 14.60(e).

- c) If the request for a continuance or postponement is granted, the Bureau of Assistance Hearings shall schedule a hearing as early as is reasonably practicable and shall notify the parties of the new date, time and place of the hearing.

- d) Requirements for Requests the appellant's first request for a postponement or continuance does not require a showing of good cause if submitted timely. All subsequent requests for postponement or continuance will be granted only upon a showing of good cause. Good cause to postpone or continue a hearing includes, but is not limited to, the reasons set forth in Section 14.60(f).

1) In a food stamp appeal the appellant's first request for postponement or continuance does not require showing of good cause or timely submission.

2) In a non-food stamp appeal, the appellant's first request for postponement or continuance does not require a showing of good

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Temporary Assistance for Needy Families
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action:
112.84 New Section
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13]
- 5) Effective Date of Amendment: November 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 11, 2001 (25 Ill. Reg. 6012)

- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:
1. "The reconciliation process is available to clients who disagree with the resultant RSP (see Section 112.77)." was added to Section 112.84(b) after "service provider", and "[See Section 112.79 for sanctions and Section 112.80 for good cause.]" was added at the end of Section 112.84(b).
2. In Section 112.84(d)(1), "[TANF case where a child has one absent parent, one incapacitated parent, or one parent ineligible for assistance]" was added after "TANF 04 case", and "[TANF case where a child has 2 parents receiving cash benefits and both are medically able to work). (See Section 112.1.)" was added after "TANF 06 case".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- cause, but a request for postponement does require timely submission of at least 2 business days prior to the scheduled hearing date.
- 3) All subsequent requests for postponement or continuance will be granted only upon timely submission and showing of good cause. Good cause to postpone or continue a hearing includes, but is not limited to, the reasons set forth in Section 14.60(e).
- 4) Except for the first request for a postponement in a food stamp appeal, unless notified that the postponement has been granted, the appellant and representatives are expected to appear at the hearing. Failure to appear shall cause the dismissal of the appeal as set forth in Section 14.60.
- e) At the hearing, the hearing officer may grant a request to continue when the party or representative shows that good cause exists for not proceeding with the hearing. If the request is based on the unavailability of witnesses and/or documentary evidence, the hearing officer may defer ruling on the request until after the available evidence on the issues of the case has been presented.

(Source: Amended at 25 Ill. Reg. 14860, effective 06/30/2001)

Section 14.55 Closing of Hearing Record

At the adjournment of the hearing, the record shall be closed and no further evidence may be submitted. Prior to adjournment of the hearing, a request to leave the record open for a specified period for the submittal of additional evidence specifically identified during the hearing may be granted by the hearing officer. Copies of any evidence presented after the hearing shall be provided to all parties.

(Source: Amended at 25 Ill. Reg. 14860, effective 06/30/2001)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

Section Number	Proposed Action	Illinois Register Citation
112.1	Amendment	25 Ill. Reg. 11326
112.105	Amendment	25 Ill. Reg. 5203
112.106	Amendment	25 Ill. Reg. 5203
112.107	Amendment	25 Ill. Reg. 5203
112.108	Amendment	25 Ill. Reg. 5203
112.303	Amendment	25 Ill. Reg. 5203

15) Summary and Purpose of Amendment: This amendment implements the Employment Retention and Advancement Demonstration Project.

16) Information and questions regarding this adopted amendment shall be directed to:

Mrs. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program and Time Limit
112.2 Time Limit on Receipt of Benefits for Clients Enrolled in Post-Secondary Education
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Basis of Eligibility
112.61 Death of a Parent (Repealed)
112.62 Incapacity of a Parent (Repealed)
112.63 Continued Absence of a Parent (Repealed)
112.64 Unemployment of the Parent (Repealed)
112.65 Responsibility and Services Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent
112.68 School Attendance Initiative
112.69 Felons and Violators of Parole or Probation

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section

112.70 Employment and Work Activity Requirements
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements
112.72 Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan
112.75 Teen Parent Personal Responsibility plan (Repealed)

DEPARTMENT OF HUMAN SERVICES

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112.76 TANF Orientation
112.77 Reconciliation and Fair Hearings
112.78 TANF Employment and Work Activities
112.79 Sanctions
112.80 Good Cause for Failure to Comply with TANF Participation Requirements
112.81 Responsible Relative Eligibility for JOBS (Repealed)
112.82 Supportive Services
112.83 Teen Parent Services
112.84 ~~Employment Retention and Advancement Project Work---Experience~~
~~Evaluation-Project-(Repealed)~~
112.85 Four Year College/Vocational Training Demonstration Project
(Repealed)

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance (Repealed)
112.87 Project Advance Experimental and Control Groups (Repealed)
112.88 Project Advance Participation Requirements of Experimental Group
Members and Adjudicated Fathers (Repealed)
112.89 Project Advance Cooperation Requirements of Experimental Group
Members and Adjudicated Fathers (Repealed)
112.90 Project Advance Sanctions (Repealed)
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
112.93 Individuals Exempt From Project Advance (Repealed)
112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of
Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
112.127 Lump-Sum Payments

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

112.128 Protected Income (Repealed)
112.130 Earned Income
112.131 Earned Income Tax Credit
112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Employed Applicants
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
112.141 Earned Income Exemption
112.142 Exclusion From Earned Income Exemption
112.143 Recognized Employment Expenses
112.144 Income from Work-Study and Training Programs
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
112.151 Exempt Assets
112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers (Repealed)
112.155 Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
112.250 Grant Levels
112.251 Payment Levels
112.252 Payment Levels in Group I Counties
112.253 Payment Levels in Group II Counties
112.254 Payment Levels in Group III Counties
112.255 Limitation on Amount of TANF Assistance to Recipients from Other
States (Repealed)

SUBPART I: OTHER PROVISIONS

Section
112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Reporting Requirements for Clients with Earnings
112.303 Retrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96

112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96

112.309 Institutional Status

112.310 Child Care for Representative Payees

112.315 Young Parent Program (Renumbered)

112.320 Redetermination of Eligibility

112.330 Extension of Medical Assistance Due to Increased Income from Employment

112.331 Four Month Extension of Medical Assistance Due to Child Support Collections

112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)

112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section

112.350 Child Care (Repealed)

112.352 Child Care Eligibility (Repealed)

112.354 Qualified Provider (Repealed)

112.356 Notification of Available Services (Repealed)

112.358 Participant Rights and Responsibilities (Repealed)

112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)

112.364 Rates of Payment for Child Care (Repealed)

112.366 Method of Providing Child Care (Repealed)

112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section

112.400 Transitional Child Care Eligibility (Repealed)

112.404 Duration of Eligibility for Transitional Child Care (Repealed)

112.406 Loss of Eligibility for Transitional Child Care (Repealed)

112.408 Qualified Child Care Providers (Repealed)

112.410 Notification of Available Services (Repealed)

112.412 Participant Rights and Responsibilities (Repealed)

112.414 Child Care Overpayments and Recoveries (Repealed)

112.416 Fees for Service for Transitional Child Care (Repealed)

112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg.

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17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 192, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6

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Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg.

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13825, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11552, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994;

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amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15597, effective November 26, 1997; emergency amendment at 22 Ill. Reg. 4466, effective February 24, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 12197, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 14420, effective July 24, 1998; amended at 22 Ill. Reg. 14744, effective August 1, 1998; amended at 22 Ill. Reg. 16256, effective September 1, 1998; emergency amendment at 22 Ill. Reg. 16365, effective September 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 18082, effective October 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19840, effective November 1, 1998; emergency amendment at 23 Ill. Reg. 598, effective January 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 942, effective January 6, 1999; emergency amendment at 23 Ill. Reg. 1133, effective January 7, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 1682, effective January 20, 1999; emergency amendment at 23 Ill. Reg. 5881, effective May 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 6958, effective May 30, 1999; amended at 23 Ill. Reg. 7091, effective June 4, 1999; amended at 23 Ill. Reg. 7896, effective July 1, 1999; emergency amendment at 23 Ill. Reg. 8672, effective July 13, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 10530, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 12648, effective September 27, 1999; amended at 23 Ill. Reg. 13898,

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effective November 19, 1999; amended at 24 Ill. Reg. 289, effective December 28, 1999; amended at 24 Ill. Reg. 2348, effective February 1, 2000; amended at 25 Ill. Reg. 10336, effective August 3, 2001; emergency amendment at 25 Ill. Reg. 11584, effective January 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11584, ~~effective~~ ^{NOV - 1 2001} ~~effective~~ ^{NOV - 1 2001}.

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS

Section 112.84 Employment Retention and Advancement Project Work-Experience Evaluation-Project-(Repeated)

The Employment Retention and Advancement Project is a 5-year demonstration project, with an experimental design, operated by the Department. The purpose of the demonstration project is to test the effectiveness of directed career advancement compared to conventional approaches. The project may be extended beyond the initial 5-year period.

a) Selection Criteria

The Department will identify TANF cash clients, under the age of 50, who:

- 1) have been working 30 or more hours per week for 6 or more consecutive months; and
- 2) have had their TANF cash 60-month limit clock stopped for all 6 months; and
- 3) reside in Cook or St. Claire county.

These clients will be randomly assigned to one of the two research groups described in subsection (c) of this Section.

b) Participation Requirements

Participation in the Employment Retention and Advancement Project is mandatory for all persons described in subsection (a) of this Section and selected for participation. Clients must discuss participation in the group described in subsection (c)(1)(A) of this Section with the service provider that initially contacts them and cooperate in all activities of their Responsibility and Services Plan (see Section 112.65), as mutually amended with the service provider. The reconciliation process is available to clients who disagree with the resultant RSP (see Section 112.77). A client who, without good cause, fails to participate in the initial discussion with the service provider or with activities added to his/her Responsibility and Services Plan is subject to sanction. (See Section 112.79 for sanctions and Section 112.80 for good cause.)

c) Experimental and Control Groups

- 1) Working TANF cash clients identified, pursuant to subsection (a) of this Section, will be randomly assigned to one of the two following research groups:

A) Experimental - This experimental group will receive intensive services focused on education and/or training and/or work-related activities to improve their advancement and earnings potential. The names of clients selected for

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- this group will be sent to a contracted service provider that will aggressively reach out to the sample clients and work with them in selecting appropriate education, training, and/or work-related activities designed to help them move up to better jobs.
- Activities may include developing an advancement plan with specific steps and identifying career ladders, either with the current employer or with another employer or industry. Other approaches might include targeted job development and job search assistance, career counseling, working with employers to develop advancement strategies, removal of specific barriers, coordination of work supports (e.g., child care, transitional Medicaid, employment expenses, etc.). Educational and/or training activities may be included to develop or expand job expertise.
- B)** Control - This group is subject to existing policy and practices. These clients continue to be served by local office staff and through any existing relationships with other service providers.
- 2)** As long as the Employment Retention and Advancement Project is in effect, a client designated as an experimental or control group member retains that designation for purposes of data collection even if that client leaves the project area or stops receiving TANF cash. An experimental group member may continue receiving services when he or she leaves the project area or stops receiving TANF cash.
- d) Time Limit on Receipt of Benefits**
- 1)** Individuals who participate in the Employment Retention and Advancement Project are subject to the TANF 60-month time limit as described in 89 Ill. Adm. Code 112.1 and 112.2, except for clients assigned to the educational and training-focused activities. For participants in educational or training-focused activities, a month will not count toward the 60-month limit if the client is working at least 20 hours per week and has a combination of work and education hours of at least 30 hours per week for a TANF 04 case (TANF case where a child has one absent parent, one incapacitated parent, or one parent ineligible for assistance) and 35 hours per week for a TANF 06 case (TANF case where a child has 2 parents receiving cash benefits and both are medically able to work). (See Section 112.1.)
- 2)** Education hours are calculated using actual class hours. Study hours are not included in this calculation.
- (Source: Repealed at 21 Ill. Reg. 15597, effective November 26, 1997; New Section added at 25 Ill. Reg. ~~14865~~ effective ~~NDV 1/2001~~)
- 1) Heading of the Part: Fees for Analytical Testing of Community Drinking Water Supply Samples for Radionuclides
- 2) Code Citation: 32 Ill. Adm. Code 336
- 3)

Section Number:	Adopted Action:
336.10	New Section
336.20	New Section
336.30	New Section
336.40	New Section
336.50	New Section
336.60	New Section
336.70	New Section
336.80	New Section
- 4) Statutory Authority: Implementing and authorized by Section 2005-40 of the Department of Nuclear Safety Law [20 ILCS 2005/2005-40]
- 5) Effective Date of Rules: October 30, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: August 10, 2001 (25 Ill. Reg. 10091)
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Differences between proposal and final version:
- a) In the Authority note, line 1, by changing "Section 2005/2005-40" to "Section 2005- 40"; and by deleting "(P.A. 92-0036)".
- b) In Section 336.10(a), line 1, by adding the phrase "Department of" before the word "Nuclear".
- c) In Section 336.10(a), line 7, by changing "U.S.C." to "USC"; and deleting "(1974)".
- d) In Section 336.10(b), line 7, by adding a comma after the word "effect".
- e) In Section 336.30(d), line 2, by changing the parentheses to brackets.

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- f) In Section 336.50, line 1, by changing the word "rule" to "Part".
- g) In Section 336.50, line 6, by adding the word "the" after "from".
- h) In Section 336.70(c), line 2, by changing the word "point" to "points".
- i) In Section 336.70, AGENCY NOTE, line 1, by changing the word "state" to "State".
- j) In Section 336.80, line 6, by adding a comma after "IEPA".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace an emergency rule currently in effect? Yes
- 14) Are there any rules pending on this Part? No

15) Summary and Purpose of Rules: These amendments will establish procedures for requesting the Department to perform analytical services for community drinking water supply samples to determine the contaminant levels, if any, of radionuclides in the drinking water. This amendment will also set the reasonable fees that the Department will charge for providing the analytical services.

16) Information and questions regarding these adopted rules shall be directed to:

Robert B. Holtsclaw
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the adopted rules begins on the next page:

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TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 336

FEES FOR ANALYTICAL TESTING OF COMMUNITY
DRINKING WATER SUPPLY SAMPLES FOR RADIONUCLIDES

Section	Purpose and Scope
336.10	Incorporation by Reference
336.20	Definitions
336.30	Procedures for Requesting Testing Services and Payment of Fee
336.40	Community Water Supply Testing Categories
336.50	New Sampling Points for Existing Community Water Supplies
336.60	Testing Fees
336.70	Conditions
336.80	

AUTHORITY: Implementing and authorized by Section 2005-40 of the Department of Nuclear Safety Law [20 ILCS 2005/2005-40].

SOURCE: Adopted by emergency rule at 25 Ill. Reg. 10233, effective August 1, 2001, for a maximum of 150 days; adopted at 25 Ill. Reg. 14879, effective 01/30/2001.

Section 336.10 Purpose and Scope

- a) Under the provisions of the 2001 amendments to the Department of Nuclear Safety Law, the Department of Nuclear Safety (Department) is authorized to analyze community drinking water samples for radionuclides and is authorized to assess a reasonable fee for such services. The Department's laboratory is certified by the U.S. Environmental Protection Agency (USEPA) to conduct such analyses for compliance with the Safe Drinking Water Act (42 USC 300f, et seq.). This Part sets forth the procedure for requesting analytical services and the fees that the Department charges for providing analytical services.
- b) Participation in the Department's testing program is open to Illinois community water supplies for those samples required for compliance with Illinois Pollution Control Board drinking water regulations (35 Ill. Adm. Code Subtitle F). The fee schedule found in Section 336.70 of this Part is effective from August 1, 2001 to December 31, 2003. In December 2003, new USEPA testing requirements will go into effect, thus requiring a new fee schedule.

Section 336.20 Incorporations by Reference

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All rules, standards and guidelines of agencies of the State of Illinois, United States, or nationally recognized organizations or associations that are incorporated by reference in this Part are incorporated as of the date specified. Copies of these rules, standards and guidelines that have been incorporated by reference are available for public inspection at the Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois.

Section 336.30 Definitions

- a) "Community water supply" means a public water supply which serves or is intended to serve at least 15 service connections used by residents or regularly serves at least 25 residents. [415 ILCS 5/3.05]
- b) "New community water supply" means a community water supply that begins operation on or after August 1, 2001.
- c) "New sampling point" means a sampling point that was not in existence or in use at the time a community water supply committed to participate in the Department's testing program.
- d) "Properly certified operator" means an operator certified in accordance with the Public Water Supply Operations Act [415 ILCS 45].
- e) "Sampling point" refers to either a point in the distribution system or a finished water entry point where drinking water samples are collected.

Section 336.40 Procedures for Requesting Testing Services and Payment of Fee

- a) The Department shall send all community water supplies a notice indicating the testing category for which they qualify and the fee that would apply for the period from August 1, 2001 to December 31, 2003 (testing fee period).
- b) New community water supplies that commit to participate in the Department's testing program will automatically be assigned to Category B and shall pay the fee specified in Section 336.70 of this Part.
- c) A community water supply that chooses to participate in the Department's testing program must commit in writing to participate in the program for the entire testing fee period. A new community water supply that chooses to participate in the Department's testing program must commit in writing to participate in the program for whatever portion of the testing fee period that remains when the commitment is made.
- d) A community water supply that commits to participate must sign the prescribed commitment form provided and return it to the Department at least 30 days prior to the date that a test needs to be conducted.
- e) A community water supply that commits to participate in the Department's testing program and returns the signed form to the Department shall be billed the appropriate fee by the Department. Except as described in subsection (f) of this Section, the Department will not perform any tests on samples submitted until the fee is

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paid.

- f) Category C and D community water supplies, as defined in Section 336.50 of this Part, shall pay the appropriate testing fee in two equal installments. The first installment shall be due before the Department performs any tests on samples submitted to the Department after August 1, 2001. The second installment shall be due on or before August 1, 2002.

Section 336.50 Community Water Supply Testing Categories

For the purposes of this Part, the following testing categories shall be assigned to community water supplies based on drinking water testing results processed by the Department before August 1, 2001. The "most recent gross alpha result" is defined as follows: For community water supplies that have collected samples quarterly for radiological analyses, it is the arithmetic mean (average) of the values from the last four completed analyses for gross alpha. For community water supplies that have collected samples for radiological analyses once every four years, it is the value from the last completed analysis for gross alpha.

- a) Category A - Most recent gross alpha result less than or equal to 5 pCi/L.
- b) Category B - Most recent gross alpha result greater than 5 pCi/L and less than or equal to 15 pCi/L, new community water supplies, or community water supplies that add one or more new sampling points.
- c) Category C - Most recent sum of radium-226 plus radium-228 is greater than 5 pCi/L and gross alpha is less than or equal to 15 pCi/L, or the public water supply is currently performing quarterly radium monitoring due to a radium violation in the past.
- d) Category D - Most recent gross alpha result is greater than 15 pCi/L.

Section 336.60 New Sampling Points for Existing Community Water Supplies

- a) Except as described in subsection (b) of this Section, a community water supply that adds one or more new sampling points after committing to participate in the Department's testing program shall pay the required fee for the new sampling points as described in Section 336.70 of this Part. The required fee must be paid before the Department will test samples for a new sampling point.
- b) A community water supply that is classified as a Category A community water supply pursuant to Section 336.50 of this Part that adds a new sampling point after committing to participate in the Department's testing program and paying the required fee shall thereafter be classified as a Category B community water supply only for each new sampling point and shall pay the required fee for each new Category B sampling point as specified in Section 336.70(c) of this Part.

Section 336.70 Testing Fees

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- a) Community water supplies that choose to participate in the Department's testing program shall pay a single fee per sampling point to cover testing costs for the period from August 1, 2001 through December 31, 2003.
- b) Fees shall be assessed as follows:

Category	Fee per Sampling Point
A	\$ 200
B	\$ 700
C	\$1250
D	\$1675

- c) A Category A community water supply that adds one or more new sampling points shall pay a \$700 testing fee for each new sampling point. If a Category B, C, or D community water supply adds a new sampling point, the fee assessed shall be the same fee as for existing sampling points.

AGENCY NOTE: Pursuant to federal and State requirements, a Category A community water supply that adds a new sampling point is required to have more frequent testing performed on more constituents on each new sampling point and thus the new sampling point is classified as a Category B sampling point. This increased testing requirement for each new sampling point necessitates an increase in the fee charged for the new sampling point.

- d) The Department will provide all required sample containers and analyze all samples required for compliance with federal radiological drinking water testing requirements over the fee period.

Section 336.80 Conditions

Water samples must be collected by employees or agents of a community water supply under the direction of a properly certified operator. Samples submitted shall be in the Department's supplied container. Samples not submitted in accordance with the Department's supplied instructions will not be tested, and resampling will be required. Upon completion of analytical work, the Department will send the results directly to the IFPA, thereby fulfilling the reporting requirement of a participating community water supply. The Department will also send a copy of the results to the community water supply.

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- 1) Heading of the Part: Livestock Waste Regulations
- 2) Code Citation: 35 Ill. Adm. Code 506

Section Numbers:	Adopted Action:
506.1101	Amendment
506.1103	Amendment
506.1104	Amendment
506.1105	Repealed
506.1106	Amendment
506.201	Amendment
506.202	Amendment
506.203	Repealed
506.204	Amendment
506.205	Amendment
506.206	Amendment
506.207	Amendment
506.208	Amendment
506.209	Repealed
506.210	New Section
506.301	Amendment
506.302	Amendment
506.303	Amendment
506.304	Amendment
506.305	Amendment
506.306	Amendment
506.307	Amendment
506.308	New Section
506.309	Amendment
506.310	Amendment
506.311	Amendment
506.312	Amendment
506.313	Repealed
506.314	Repealed
506.401	Repealed
506.501	Repealed
506.601	Repealed
506.602	Repealed
506.603	Repealed
506.604	Repealed
506.605	Repealed
506.606	Repealed
506.607	Repealed
506.608	Repealed
506.610	Repealed
506.611	Repealed
506.612	Repealed
506.613	Repealed

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506.614 Repealed
 506.615 Repealed
 506.620 Repealed
 506.701 Repealed
 506.702 Repealed
 506.703 Repealed
 506.704 Repealed
 APPENDIX A Repealed
 ILLUSTRATION A Repealed
 ILLUSTRATION B Repealed

4) Statutory Authority: Authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27] and Section 55 of the Livestock Management Facilities Act and implementing the Livestock Management Facilities Act [510 ILCS 77]

5) Effective Date of Amendments: November 15, 2001

6) Do these amendments contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. See Section 506.104.

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 2, 2001, 25 Ill. Reg. 3121.

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version: In addition to nonsubstantive technical changes and both substantive and nonsubstantive clarifications to this Part, the Board made several changes to the proposed rule in response to public comment. In response to comments from the IEPA, rigid construction materials are now required for all facilities in karst areas (Sections 506.207 and 506.312), and a sampling port is required to detect waste in areas with a seasonal high water table (Section 506.304). In response to a study conducted by the poultry industry, the Board modified the hydraulic conductivity standard for poultry facilities (Section 506.304). To address cost concerns raised by the regulated industry, the Board adjusted the concrete thickness standards to match those of the MWPS-36 guidance documents (Section 506.310).

Other changes to the rulemaking were made as follows:

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In Section 506.103, definitions of filter strip, seasonal high water table, terrace and USDA-NRCS were added.

In Section 506.204(g)(3), a change specifies that the lagoon's total design volume includes runoff and precipitation generated between manure removals as additional volumes to be accounted for in calculating the amount of waste generated in a 270-day period.

In Section 506.303, an amendment requires that runoff and precipitation be considered livestock waste and be included as additional volume to be calculated into the 150-day storage period.

In Section 506.304(c)(1), a change states that drainage tubing must be below the bottom of the footing, but not necessarily one foot below.

In Section 506.307(b), the permeability standard is revised from 1 x 10(-7) to 1 x 10(-6) for enclosed deep bedded systems that handle livestock waste in solid form.

In Section 504.310(c)(1)(D), in areas with shallow aquifer material, an amendment requires liner construction and compaction to be of a nature to reduce void spaces and allow the liner to support the loadings imposed by the waste disposal operation without settling.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will these amendments replace any emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The legislature has amended the Livestock Management Facilities Act (LMFA) twice since the Board adopted Part 506. The most recent amendments require the Department of Agriculture to promulgate rules governing all sections of the LMFA other than design and construction standards for livestock waste handling facilities (see 8 Ill. Adm. Code 900). The amendments also require the Board, pursuant to a proposal filed by the Department of Agriculture, to promulgate enhanced standards for designing and constructing livestock waste handling facilities.

The rules adopted today accomplish two objectives. First, the rules delete provisions from Part 506 that are now superseded by the Department of Agriculture's rules at 8 Ill. Adm. Code 900. Second, the rules establish or enhance new design and construction standards for livestock waste lagoons and livestock waste handling facilities other than lagoons.

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16) Information and questions regarding these adopted amendments shall be directed to:

Carol Sudman
Pollution Control Board
600 S. Second St., Ste. 402
Springfield, Illinois 62701
(217) 524-8509

The opinion and order for this rulemaking (R01-28) are available on the Board's Web site (www.ipcb.state.il.us). For copies, please contact:

Dorothy Gunn, Clerk
Pollution Control Board
100 W. Randolph St., Suite 11-500
Chicago, IL 60601
(312) 814-3620

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE E: AGRICULTURE RELATED POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 506
LIVESTOCK WASTE REGULATIONS

SUBPART A: GENERAL PROVISIONS

Section	
506.101	Applicability
506.102	Severability
506.103	Definitions
506.104	Incorporations by Reference
506.105	Recordkeeping (Repealed)
506.106	Alternatives, Modifications and Waivers

SUBPART B: STANDARDS FOR THE DESIGN AND CONSTRUCTION OF LIVESTOCK WASTE LAGOONS

Section	
506.201	Applicability
506.202	Site Investigation
506.203	Registration (Repealed)
506.204	Lagoon Design Standards
506.205	Liner Standards
506.206	Groundwater Monitoring
506.207	Certification-of Construction in a Karst Area
506.208	Construction in a Flood Fringe Area Failure-to-Register-or--Construct in-Accordance-with-Standards
506.209	Lagoon Closure and Ownership Transfer (Repealed)
506.210	Secondary Containment

SUBPART C: STANDARDS FOR THE DESIGN AND CONSTRUCTION OF LIVESTOCK WASTE HANDLING FACILITIES OTHER THAN LAGOONS WASTE-MANAGEMENT-PLAN

Section	
506.301	Applicability Purpose
506.302	Site Investigation Scope-and-Applicability
506.303	Non-lagoon Livestock Waste Storage Volume Requirements Waste Management-Plan-Contents
506.304	General Design and Construction Standards Livestock-Waste-Volumes
506.305	Additional Concrete Design and Construction Standards Nutrient Content-of-Livestock-Waste
506.306	Additional Metal Design and Construction Standards Adjustments-to-Nitrogen-Availability
506.307	Additional Earthen Material Design and Construction Standards Targeted-Grep-field-Goal

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506.704 Penalties (Repealed)

APPENDIX A Surety Instruments (Repealed)
ILLUSTRATION A Surety Bond (Repealed)
ILLUSTRATION B Irrevocable Standby Letter of Credit (Repealed)

AUTHORITY: Authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27] and Section 55 of the Livestock Management Facilities Act and implementing the Livestock Management Facilities Act [510 ILCS 77].

SOURCE: Adopted in R97-15(A) at 21 Ill. Reg. 6851, effective May 20, 1997; amended in R97-15(B) at 22 Ill. Reg. 20605, effective November 12, 1998; amended in R01-28 at 25 Ill. Reg. 14863, effective NOV 15 2001.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 506.101 Applicability

This Subpart applies to 35 Ill. Adm. Code 506. The applicability of Subpart B, Standards for the Design and Construction of Livestock Waste Lagoons, is set forth at Section 506.201 of this Part. The applicability of Subpart C, Standards for the Design and Construction of Livestock Waste Handling Facilities Other Than Lagoons Waste-Management-Plan, is set forth at Section 506.301 506-302 of this Part. ~~The applicability of Subpart--B--Certified Livestock--Manager,--is--set--forth--at--Section--506-401--of--this--Part.--The applicability--of--Subpart--P--Financial-Responsibility,--is--set--forth--at--Section 506-601--of--this--Part.--The applicability--of--Subpart--G--Setbacks,--is--set--forth at--Section--506-701--of--this--Part.~~

BOARD NOTE: Upon the effective date of this Part, the emergency rules at 35 Ill. Adm. Code 505, Livestock Waste Regulations, will no longer apply. This Part will take the place of those emergency rules. Additionally, the standards and specifications for the construction of livestock waste handling facilities contained in this Part shall be used in conjunction with the regulations at 8 Ill. Adm. Code 900.

(Source: Amended NOV 15 2001 at 25 Ill. Reg. 14863, effective NOV 15 2001)

Section 506.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part

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506.308 Additional Synthetic Material Design and Construction Standards
506.309 Additional Wooden Material Design and Construction Standards ~~Nitrogen Credits~~
506.310 Additional Design and Construction Standards for Construction in an Area with Shallow Aquifer Material ~~Records-of-Waste-Disposal~~
506.311 Additional Design and Construction Standards for Construction in a Flood Fringe Area ~~Approval-of-Waste-Management-Plans~~
506.312 Additional Design and Construction Standards for Construction in a Karst Area ~~Sledge-Removal~~
506.313 Plan Updates (Repealed)
506.314 Penalties (Repealed)

SUBPART D: CERTIFIED LIVESTOCK MANAGER

Section
506.401 Applicability (Repealed)

SUBPART E: PENALTIES

Section
506.501 General (Repealed)

SUBPART F: FINANCIAL RESPONSIBILITY

Section
506.601 Scope, Applicability, and Definitions (Repealed)
506.602 Mechanisms for Providing Evidence of Financial Responsibility (Repealed)
506.603 Level of Surety (Repealed)
506.604 Upgrading Surety Instrument (Repealed)
506.605 Release of Lagoon Owner and Financial Institution (Repealed)
506.606 Financial Responsibility Proceeds (Repealed)
506.607 Use of Multiple Surety Instruments (Repealed)
506.608 Use of a Single Surety Instrument for Multiple Lagoons (Repealed)
506.610 Commercial or Private Insurance (Repealed)
506.611 Guarantee (Repealed)
506.612 Surety Bond (Repealed)
506.613 Letter of Credit (Repealed)
506.614 Certificate of Deposit or Designated Savings Account (Repealed)
506.615 Participation in a Livestock Waste Lagoon Closure Fund (Repealed)
506.620 Penalties (Repealed)

SUBPART G: SETBACKS

Section
506.701 Applicability (Repealed)
506.702 Procedures (Repealed)
506.703 Initial Determination of Setbacks (Repealed)

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shall be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5] or the Livestock Management Facilities Act [510 ILCS 77]. For the purposes of this Part, the terms included in this Section herein shall have the following meanings:

"Agency" means the Illinois--Environmental--Protection--Agency: [510 ILCS 77/10-5]

"Animal feeding operation" means a feeding operation as defined in the Illinois Environmental Protection Act and the rules promulgated under that Act concerning agriculture related pollution. [510 ILCS 77/10.7]

"Animal unit" means a unit of measurement for any animal feeding operation calculated as follows:

Brood cows and slaughter and feeder cattle multiplied by 1.0.

Milking dairy cows multiplied by 1.4.

Young dairy stock multiplied by 0.6.

Swine weighing over 55 pounds multiplied by 0.4.

Swine weighing under 55 pounds multiplied by 0.03.

Sheep, lambs, or goats multiplied by 0.1.

Horses multiplied by 2.0.

Turkeys multiplied by 0.02.

Laying hens or broilers multiplied by 0.005.

Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering).

Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure handling system).

Ducks multiplied by 0.02. [510 ILCS 77/10.10]

For species of animals in an animal feeding operation not specifically listed in this definition, the animal unit factor shall be determined by dividing the average mature animal weight by 1,000. The average mature animal weight shall be determined by the Department with guidance from the University of Illinois Cooperative Extension Service.

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"Aquifer material" means sandstone that is five feet or more in thickness, or fractured carbonate that is ten feet or more in thickness; or sand, gravel, or sand and gravel, as defined in this Section herein, such that there is at least two feet or more present within any five foot section of a soil boring performed in accordance with Sections 506.202 and 506.302 of this Part.

"Certified livestock manager" means a person that has been duly certified by the Department as an operator of a livestock waste handling facility: [510 ILCS 77/10-15]

"Department" means the Illinois Department of Agriculture. [510 ILCS 77/10.20]

"Filter Strip" means a strip or area of vegetation for removing sediment, organic material, organisms, nutrients, and chemicals from runoff or wastewater. A filter strip must be sized to process the amount of material expected to be released from the lagoon.

"Farm residence" means any residence on a farm owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers. For purposes of this definition, a farm is the land, buildings, and machinery used in the commercial production of farm products, and farm products are those plants and animals and their products which are produced or raised for commercial purposes and include but are not limited to forages and sod crops, grains and feed crops, dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, or fiber. [510 ILCS 77/10-23]

"Flood fringe" means that portion of the floodplain outside the floodway.

"Floodplain" means that land adjacent to a body of water with ground surface elevations at or below the 100-year frequency flood elevation.

"Floodway", for the six counties including Cook, DuPage, Kane, Lake, McHenry and Will, means the channel and that portion of the floodplain adjacent to a stream or watercourse as designated by the Illinois Department of Natural Resources pursuant to Section 18g of the Rivers, Lakes, and Streams Act [615 ILCS 5/18g], which is needed to store and convey the anticipated future 100-year frequency flood discharge with no more than 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10% increase in velocities. [615 ILCS 5/18g(d)(1)] For the remaining 96 counties, "floodway" means the channel of a river, lake or stream and that portion of the

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adjacent land area that is needed to safely store and convey flood waters. Where floodways have been delineated for regulatory purposes, the mapped lines show the floodway encroachment limits and will be used. For other areas, floodway limits will be estimated, using hydrologic and hydraulic calculations, to preserve adequate conveyance and storage so that stage increases for the 100-year frequency flood would not exceed 0.1 foot.

"Grass waterway" means a natural or constructed waterway, usually broad and shallow covered with erosion-resistant grasses, used to conduct surface water from or through a cropland. A grass waterway is used to convey any lagoon release to an area or structure where it would be contained, such as at an additional berm, or processed, such as at a filter strip, or conveyed to another area, such as by a terrace.

"Gravel" or "Sand and gravel" means unconsolidated materials that contain a matrix (particles of two millimeters or less) that is consistent with the definition of "sand" and particles larger than two millimeters in size.

"Karst area" means an area with a land surface containing sinkholes, large springs, disrupted land drainage, and underground drainage systems associated with karstified carbonate bedrock and caves or a land surface without these features but containing a karstified carbonate bedrock unit generally overlain by less than 60 feet of unconsolidated materials. [510 ILCS 77/10.24]

"Karstified carbonate bedrock" means a carbonate bedrock unit (limestone or dolomite) that has a pronounced conduit or secondary porosity due to dissolution of the rock along joints, fractures, or bedding plains. [510 ILCS 77/10.26]

"Lagoon" or "Earthen livestock waste lagoon" means any excavated, diked, or walled structure or combination of structures designed for biological stabilization and storage of livestock wastes. A lagoon does not include structures such as manufactured slurry storage structures or pits under buildings as defined in rules under the Environmental Protection Act concerning agriculture related pollution. [510 ILCS 77/10.25]

"Licensed Professional Engineer" means a person, corporation or partnership licensed under the laws of the State of Illinois to practice professional engineering. [415 ILCS 5/57.2]

"Licensed Professional Geologist" means an individual who is licensed under the laws of the State of Illinois to engage in the practice of professional geology in Illinois. [225 ILCS 745/15]

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"Livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. Two or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of 1/4 mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. Livestock management facilities at educational institutions, livestock pasture operations, facilities where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to the Livestock Management Facilities Act or the requirements of this Part. [510 ILCS 77/10.30]

"Livestock shelter" means any covered structure, including but not limited to livestock houses or barns, in which livestock are enclosed at any time.

"Livestock waste" means livestock excreta and associated losses, bedding, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation, and other materials polluted by livestock. [510 ILCS 77/10.35]

"Livestock waste handling facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership and where the facilities are not separated by a minimum distance of 1/4 mile shall be considered a single livestock waste handling facility. [510 ILCS 77/10.40] The Livestock Management Facilities Act and this Part do not apply to: livestock waste handling facilities at educational institutions; livestock pasture operations; or facilities where animals are housed on a temporary basis, such as county and State fairs, livestock shows, race tracks, horse breeding and foaling farms, and market holding facilities.

"Maintained" means, with reference to a livestock waste lagoon, that the livestock waste lagoon is inspected (including but not limited to inspection for burrow holes, trees and woody vegetation, proper freeboard, erosion, settling of berm, berm top integrity, leaks, and seepage) and preventive action is taken as necessary to assure the integrity of the lagoon and its berm and associated appurtenances.

"Modified" means structural changes to a lagoon that increase its volumetric capacity. [510 ILCS 77/10.43]

"New facility" means a livestock management facility or a livestock

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waste handling facility the construction or expansion of which is commenced on or after May 21, 1996 (the effective date of the Livestock Management Facilities Act). Expanding a facility where the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility shall not be deemed a new facility as used in the Livestock Management Facilities Act. [510 ILCS 77/10.45] For facilities that have ceased operation on or after July 13, 1999, commencement of operations at a facility that has livestock shelters left intact and that has completed the requirements imposed under Section 13(k) of the Livestock Management Facilities Act [510 ILCS 77/13(k)] and 8 Ill. Adm. Code 900.508 and that has been operated as a livestock management facility for 4 consecutive months at any time within the previous 10 years shall not be considered a new or expanded livestock management or waste handling facility. [510 ILCS 77/13(k)] For facilities that have ceased operation prior to July 13, 1999, commencement of operations at a facility that has livestock shelters left intact and that has been operated as a livestock management facility or livestock waste handling facility for 4 consecutive months at any time within the previous 10 years shall not be considered a new or expanded livestock management or waste handling facility.

"Non-farm--residence"--means--any--residence--which--is--not--a--farm residence. [510 ILCS 77/10.47]

"Occupied-residence"--means--a--house--or--other--type--of--shelter--that--is intended--or--used--for--human--occupancy--and--has--been--occupied--by--humans for--more--than--a--total--of--six--months--in--the--last--two--years--at--that location.---For--the--purposes--of--this--definition,--"intended--or--used--for human-occupancy"--means--running--water--and--sanitation--are--provided within--the--residence.

"Owner or operator" means any person who owns, leases, controls, or supervises a livestock management facility or livestock waste-handling facility. [510 ILCS 77/10.50]

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or their legal representative, agent, or assigns. [510 ILCS 77/10.55]

"Placed in service" means the placement of livestock waste in a livestock waste handling facilityagoon upon the completion of construction or modification in accordance with the requirements of this Part.

"Populated-area"--means--any--area--where--at--least--10--inhabited--non-farm residences--are--located--or--where--at--least--50--persons--frequent--a--common

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place-of-assembly-or-a-non-farm-business-at-least-once-per-week. [510 ILCS 77/10.60]--The-existence-of-a-populated-area-shall-be-determined by-identifying-the-area-around-the-livestock-management-or-livestock waste-handling-facility--delineated--by--a--distance--equal--to--the applicable--setback--distance--and-identifying-the-number-of-residences or-the-existence-of-a-non-farm-business-or-the-existence-of--a--common place--of--assembly--within--that--area---For--the-purpose-of-setback requirements, common-places-of-assembly-or-non-farm-businesses-include but-are-not-limited-to-churches, hospitals, schools, day-care-centers, manufacturing-companies, land-managed-for-recreational-or-conservation purposes, museums, camps, parks, retail-and-wholesale-facilities, and shopping-centers.---A-common-place-of-assembly-or-a-non-farm-business includes-places-that-operate-less-than-52--weeks--per--year--such-as schools--with-seasonal-vacation-periods-and-businesses--camps,--and which-experience--seasonal--shutdowns,--and--parks,--and recreational-areas--which-experience--seasonal--shutdowns--or-reduced attendance-during-a-portion-of-the-calendar-year, provided--that--such places--are--frequented--by--at--least--50--persons--at--least--once--per-week during-the-portions-of-the-year-when-seasonal-shutdowns-or--reductions in-attendance-do-not-occur.

"Residence"--a--house--or--other--structure--including--all attachments--to-the-house-or-structure, which-is-used--as--a--place--of human-habitation.

"Sand" means unconsolidated materials, where 70% or more of the particles are of size 0.06 millimeters to 2.00 millimeters, and which, according to the USDA soil texture classification scheme, includes soil textures of sand, and loamy sand, and portions of sandy loam and sandy clay loam.

"Seasonal high water table" means the highest level of the water table encountered on a yearly basis, where water table is the surface on which the fluid pressure in the soil pore space is equal to the atmospheric pressure. The location of the water table is determined by the level at which water stands in a shallow well open along its length and penetrating the surficial deposits just deeply enough to encounter standing water in the bottom.

"Terrace" means an embankment or combination of embankment and channel constructed across a slope to control erosion by diverting and temporarily storing surface runoff instead of permitting it to flow uninterrupted down the slope. A terrace may be used to convey the released material to a grass waterway, a filter strip, or a secondary berm.

"USDA-NRCS" means the United States Department of Agriculture's Natural Resources Conservation Service.

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surface water and the structural integrity of the livestock waste management facility as the stated requirements or that the alternative or waiver is at least as protective as the stated requirements.

(Source: Amended at 25 Ill. Reg. 14888 effective 11/15/01)

SUBPART B: STANDARDS FOR THE DESIGN AND CONSTRUCTION OF LIVESTOCK WASTE LAGOONS

Section 506.201 Applicability

This Subpart shall apply to any new or modified lagoon, the design of which has not been approved by the Department prior to November 15, 2001. The standards and specifications for livestock waste lagoon construction contained in this Subpart shall be utilized in the design plans and construction of the lagoon in accordance with the registration of lagoons required in 8 Ill. Adm. Code 900. Subpart F.

- a) ~~This Subpart applies to any lagoon that is new or modified and has not been placed in service as of the effective date of this Part.~~
- b) ~~For the purposes of this Subpart, the number of animal units at a livestock management facility is the maximum design capacity of the livestock management facility.~~
- c) ~~In addition, a lagoon registered and certified pursuant to the emergency rules adopted in R97-14 at 20-III--Reg--149037--effective October 31, 1996 and the emergency rules adopted in R97-14 at 21-III--Reg--4313--effective March 31, 1997 shall be considered as registered and certified pursuant to this Subpart.~~

(Source: Amended at 25 Ill. Reg. 14888, effective 11/15/01)

Section 506.202 Site Investigation

- a) The owner or operator of a new or modified livestock waste lagoon constructed pursuant to this Subpart shall conduct a site investigation in accordance with the requirements of this Section to determine the following: ~~if aquifer material is present for not present) within 50 feet of the planned bottom of the lagoon:~~

- 1) Whether aquifer material is considered present (or not present) within 50 feet of the planned bottom of the lagoon;
 - 2) Whether the proposed lagoon is to be located within the floodway or flood fringe of a 100-year floodplain; and
 - 3) Whether the proposed lagoon is to be located within a karst area or within 400 feet of a natural depression in a karst area.
- b) The owner or operator shall perform one or more soil borings that which shall be located within the final lagoon area or within 20 feet of the final exterior berm toe. The boring shall be performed to

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determine the presence of aquifer material or karstified carbonate bedrock as follows:

- 1) The soil boring shall extend to a depth that includes 50 feet below from the planned bottom of lagoon native soil or to bedrock;
- 2) If bedrock is encountered, additional soil borings may be necessary to verify the presence of aquifer material or karstified carbonate bedrock;
- 3) Continuous samples shall be recovered from each soil boring to ensure that no gaps occur in the sample column; and
- 4) Upon completion, the boring(s) shall be properly abandoned and sealed pursuant to the Illinois Water Well Construction Code at 77 Ill. Adm. Code 920.120.

- c) If the Department determines that additional soil borings are necessary to ensure the protection of the groundwater, surface water or the structural integrity of the livestock waste management facility, the Department shall require additional soil borings.

- d) As an alternative to performing the soil boring(s) required under subsection (b) or (c) of this Section, the owner or operator of the livestock waste lagoon may propose to the Department to utilize alternative information source(s). The Department shall evaluate the proposal; shall determine whether the alternative information source(s) source will result in a site investigation that will be at least as protective of the groundwater, surface water and the structural integrity of the livestock waste management facility as would have resulted from data resulting from soil borings; and shall notify the owner or operator of the Department's finding.

- e) Notwithstanding the other requirements of this Subpart, if the site investigation determines that the lagoon is to be located in the flood fringe of a 100-year floodplain, the design of the lagoon shall include the additional requirements of Section 506.206 of this Subpart.

- f) If the results of the soil boring conducted pursuant to Section 506.202(b) of this Subpart indicate the proposed lagoon is to be located in a karst area or if the proposed lagoon is to be located within an area designated as "Sink hole areas" on "Karst Terrains and Carbonate Rocks of Illinois", IDNR-ISGS Illinois Map 8, the following requirements shall be met:

- 1) The Department shall conduct a visual inspection of the surrounding area to determine the presence of natural depressions during the pre-construction site inspection as required pursuant to 8 Ill. Adm. Code 900.604(a). Construction may not occur within 400 feet of a natural depression in a karst area; and
- 2) The Licensed Professional Engineer or Licensed Professional Geologist shall evaluate the results of the soil boring conducted pursuant to subsection (b) of this Section. If, as a result of the soil boring, a void of 1 foot or greater in vertical distance is discovered, the following requirements shall be met:

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- A) The Department may require additional borings to determine the extent of the void;
- B) Notwithstanding the other requirements of this Subpart, the owner or operator shall submit to the Department a plan for the design of the lagoon that shall include the additional design requirements set forth in Section 506.207 of this Part and shall include any additional design requirements deemed necessary by the Licensed Professional Engineer; and
- C) The Department shall review and approve the plan required pursuant to subsection (f)(2)(B) of this Section prior to construction. The Department may also require additional design criteria before the plan is approved and construction may begin.

If, as a result of the soil boring, no voids of 1 foot or greater in vertical distance are discovered, the design shall include the additional requirements set forth in Section 506.207 of this Subpart.

- ge) The site investigation in accordance with subsection (b), (c), or (d), (e), or (f) of this Section shall be conducted under the direction of a Licensed Professional Engineer or Licensed Professional Geologist. Upon completion of the site investigation as required under subsection (b), (c), or (d) of this Section, the supervising Licensed Professional Engineer or Licensed Professional Geologist shall certify that the site investigation meets all the applicable requirements of this Section and whether aquifer material shall be considered present (or not present) within 50 feet of the planned bottom of the lagoon in accordance with Section 506.203 of this Part. Such certification shall include all supporting data and justification.

(Source: Amended at 25 Ill. Reg. 14900.1, effective 1/1/76)

Section 506.203 Registration (Repealed)

- a) Prior to new construction or modification of any earthen livestock waste lagoon after the effective date of this Part, such earthen livestock waste lagoon shall be registered by the owner or operator with the Department on a form provided by the Department in accordance with the requirements of this Section. Lagoons constructed prior to the effective date of this Part may register with the Department at no charge. (510-IBES-77/15(b))
- b) The registration form, accompanied by a \$50 fee, shall include the following:
- 1) Name(s) and address(es) of the owner and operator who are responsible for the livestock waste lagoon;
 - 2) General location of lagoon;
 - 3) Design construction plans and specifications (including a lagoon plot plan with dimensions and elevations);

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- 4) Specific location information (noted on a facility site map or the lagoon plot plan):
- A) The location and distance to the nearest private or public potable well;
 - B) The location and distance to the closest occupied private residence (other than any occupied by the owner or operator);
 - C) The location and distance to the nearest stream;
 - D) The location and distance to the nearest populated area;
 - E) The location and distance to the nearest abandoned or plugged well, drainage well or injection well; and
 - F) The location of any subsurface drainage lines within 100 feet of the lagoon;
- 5) Anticipated beginning and ending dates of lagoon construction;
- 6) Type of livestock and number of animal units;
- 7) A certification by the supervising Licensed Professional Engineer or Licensed Professional Geologist, accompanied by supporting justification and data, certifying that the site investigation meets all the applicable requirements of Section 506.202 of this Part; whether aquifer material is considered present (or not present) within 50 feet of the planned bottom of the lagoon; and
- 8) Where applicable, a copy of the synthetic liner manufacturer's compatibility statement and liner maintenance guidelines. (510-IBES-77/15(b))
- c) The Department, upon receipt of a livestock waste lagoon registration form, shall review the form to determine that all required information has been provided. The person filing the registration shall be notified within 15 working days of receipt by the Department that registration is complete or that clarification information is needed. No later than 10 working days after the receipt of the clarification information, the Department shall notify the owner or operator that registration is complete or that additional clarification information is needed. (510-IBES-77/15(b))
- d) The Department may, as a condition of the issuance of a livestock waste lagoon registration, conduct periodic site inspections of a livestock waste lagoon to assess its degree of compliance with the requirements of the Livestock Management Facilities Act (510-IBES-77) and the requirements of this Part. The person making any inspection shall comply with reasonable animal health protection procedures as requested by the owner or operator. (510-IBES-77/15(b))
- e) Construction shall not begin until 30 days after submission of a registration form by certified mail to the Department. (510-IBES-77/15(b))

(Source: Repealed at 25 Ill. Reg. 14900.1, effective 1/1/76)

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- a) The owner or operator of any livestock waste lagoon subject to this Subpart Part shall construct or modify the lagoon in accordance with:
- 1) "Design of anaerobic lagoons for animal waste management", ASAE Engineering Practice 403-1, as updated by ASAE Engineering Practice 403.2; or the guidelines published by the United States Department of Agriculture's Natural Resource Conservation Service titled "Waste Treatment Lagoon", which are incorporated by reference in 35--III--Adm--Code--506-104 Section 506.104 of this Part; and
 - 2) The additional design standards specified in subsections (c) through (h) of this Section. [510 ILCS 77/15(a)]
- b) The Department may require changes in design or additional requirements to protect groundwater, such as extra liner depth or synthetic liners, when it appears groundwater could be impacted. [510 ILCS 77/15(a)]
- c) The owner or operator shall conduct a site investigation in accordance with Section 506.202 of this Part to determine if aquifer material is present (or not present) within 50 feet of the planned bottom of the lagoon.
- d) The owner or operator shall, as a part of the lagoon design, include the use of a liner and implement groundwater monitoring in accordance with following conditions:
- 1) If the uppermost aquifer material is located above or within 20 feet of the lowest point of the planned lagoon bottom (as measured from the top of any proposed liner), then the lagoon design shall include both a liner and groundwater monitoring.
 - 2) If the uppermost aquifer material is located between 20 to 50 feet from the lowest point of the planned lagoon (as measured from the top of any proposed liner), then the lagoon design shall include a liner, but no groundwater monitoring is required.
 - 3) If no aquifer material is located within 50 feet from the lowest point of the planned lagoon (as measured from the top of any proposed liner), then the lagoon design shall require neither a liner nor groundwater monitoring.
- e) If the owner or operator determines that a liner is required for the lagoon pursuant to this Section, the design of the lagoon shall include an in-situ soil liner, borrowed clay or clay/bentonite mixture, or a synthetic liner meeting the requirements of Section 506.205 of this Part.
- f) If the owner or operator determines that groundwater monitoring is required for the lagoon pursuant to this Section, the design of the lagoon shall include the implementation of a groundwater monitoring program in accordance with Section 506.206 of this Part and 8 Ill. Adm. Code 900.Subpart F.
- g) Any livestock waste lagoon subject to the provisions of this Part shall meet or exceed the following:
- 1) Berm:
 - A) The minimum berm top width shall be 8 feet;

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- B) The berm may contain no outlet piping that extends through the berm unless the piping discharges to another lagoon or is a component of a recirculating flush system;
- 2) Berm slope:
- A) Exterior and normally exposed interior (above the liquid level elevation corresponding to the summation of the sludge volumes and minimum design volume) earthen walls shall have side slopes not steeper than a 3 to 1 ratio of horizontal to vertical and a vegetative cover shall be established on any exposed berm areas and kept mowed or otherwise maintained to eliminate erosion or other berm deterioration;
 - B) Interior berm earthen walls below the liquid level elevation corresponding to the summation of the sludge volumes and minimum design volume shall have side slopes not steeper than a 3 to 1 ratio of horizontal to vertical; or a 2 to 1 ratio of horizontal to vertical if designed by a Licensed Professional Engineer and maintained to eliminate berm deterioration;
- 3) The lagoon's total design volume shall be not less than the volume calculated as the summation of the following:
- A) A minimum design volume, as calculated pursuant to subsection 5.4.1.1, ASAE EP403.2, ASAE Standards 1998 #993, pp. 656-659 543-545;
 - B) A livestock waste volume, that which shall be sufficient to store the waste generated by the facility for a period not less than 270 days as determined in accordance with ASAE EP403.2, ASAE Standards 1998 #993, p. 656 543;
 - C) Runoff and wash down volumes generated during a 270-day period, including all runoff and precipitation from 7-based on a 6-inch rainfall covering the lagoon surface--and--any other areas such as open lots, roofs or other surfaces where collected precipitation is directed into the lagoon, plus the volume of any wash down liquids utilized within the facility that which are also directed into the lagoon. In no case shall this volume be less than the precipitation and runoff generated by a 25-year, 24-hour storm event and directed to the lagoon; and
 - D) A sludge accumulation volume, as calculated pursuant to subsection 5.4.1.4, ASAE EP403.2, ASAE Standards 1998 #993, p. 658 545;
- 4) In addition to the lagoon's total design volume, a freeboard shall be provided as follows:
- A) For lagoons serving a livestock management facility with a maximum design capacity of less than 300 animal units and not collecting runoff from areas other than the exposed surface of the lagoon (including associated interior berm slopes and flat berm top areas), the top of the settled embankment shall be not less than 1 foot above the fluid

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surface level of the lagoon total design volume; or
 B) For all other lagoons, the top of the settled embankment shall be not less than 2 feet above the fluid surface level of the lagoon total design volume;

- 5) Subsurface drainage lines in the immediate area of the livestock waste lagoon shall be removed or relocated to provide for a minimum separation distance of not less than 50 feet between the outermost extent of the lagoon (exterior toe of the berm) and the subsurface drainage line;
- 6) The minimum separation distance between the outermost extent of a lagoon (exterior toe of the berm) and any potential route of groundwater contamination, as defined in the Illinois Environmental Protection Act [415 ILCS 5], shall be not less than 100 feet. In addition, the minimum separation distance between the outermost extent of a lagoon (exterior toe of the berm) and a non-potable well, an abandoned or plugged well, drainage well or injection well shall be not less than 100 feet;
- 7) The design and construction of the lagoon shall include the installation of a lagoon liquid level board or staff gauge within the interior of the liquid storage volume. The liquid level board or staff gauge shall include a mark at the liquid level elevation corresponding to the summation of the sludge volume and minimum design volume and shall be designated as the "STOP PUMPING" elevation. The liquid level board or staff gauge shall also be marked at the liquid level elevation corresponding to the summation of the sludge volume, minimum design volume, runoff and wash down volumes, and livestock waste volume and shall be designated as the "START PUMPING" elevation;
- 8) The livestock waste supply to a single-stage lagoon must be below the minimum design volume level [510 ILCS 77/25(b)(2)]; and
- 8+) Water shall be added to a newly-constructed or modified lagoon to at least 60% of the design volume prior to the initial addition of waste; and
- 9) The location of the lagoon and the associated livestock management facility shall be in compliance with all setback provisions of the Illinois Environmental Protection Act [415 ILCS 5], the Livestock Management Facilities Act [510 ILCS 77], and the rules promulgated thereunder.
- h) *The owner or operator of the earthen livestock lagoon may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. [510 ILCS 77/15(a)] The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water and the structural integrity of the livestock waste management facility as the requirements of this Part. [510--#6S 77/15(a)]*

(Source: Amended at 25 Ill. Reg. 14889, effective

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415 ILCS 7/15

Section 506.205 Liner Standards

- a) The design of a liner constructed from in-situ soils, borrowed clay or a clay/bentonite mixture, or a synthetic liner pursuant to Section 506.204(d) of this Part shall comply with the requirements of this Section.
- b) A liner constructed using in-situ soil or borrowed clay or clay/bentonite mixtures shall meet the following standards:
 - 1) The minimum liner thickness shall be 2 feet;
 - 2) The liner shall be constructed in lifts not to exceed 6 inches in compacted thickness;
 - 3) The liner shall be compacted to achieve a hydraulic conductivity equal to or less than 1×10^{-7} centimeters/second; and
 - 4) The construction and compaction of the liner shall be carried out to reduce void spaces and allow the liner to support the loadings imposed by the waste disposal operation without settling.
- c) Any synthetic liner used in the construction of a livestock waste lagoon shall meet the following standards:
 - 1) The liner shall be designed to perform equivalent to or better than a liner that conforms to subsection (b) of this Section;
 - 2) The liner manufacturer shall provide to the owner or operator the liner maintenance guidelines and shall certify that the liner is chemically compatible with:
 - A) The livestock waste being stored; and
 - B) The supporting soil materials;
 - 3) The liner shall be supported by a compacted base free from sharp objects;
 - 4) The liner shall have sufficient strength and durability to function at the site for the design period under the maximum expected loadings imposed by the waste and equipment and stresses imposed by settlement, temperature, construction and operation;
 - 5) The liner seams shall be made in the field according to the manufacturer's specifications. All sections shall be arranged so that the use of field seams is minimized and seams are oriented in the direction subject to the least amount of stress; and
 - 6) The owner or operator shall maintain a copy of the manufacturer's compatibility statement and liner installation and maintenance guidelines at the facility.
- d) The design, construction and installation of the liner in accordance with this Section shall be conducted under the direction of a Licensed Professional Engineer. Upon completion of construction or installation of the liner, the supervising Licensed Professional Engineer shall certify, pursuant to 8 Ill. Adm. Code 900.605(a), that the liner meets all the applicable requirements of this Section. Such certification shall include all supporting justification and data.
- e) The owner or operator of a livestock waste lagoon shall submit to the

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Department a copy of the Licensed Professional Engineer's Certification prior to placing the lagoon in service in accordance with 8 Ill. Adm. Code 900.605 Section 506-207-of-this-Part.

f) The owner or operator of the earthen livestock lagoon may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. [510 ILCS 77/15(a)] The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water and the structural integrity of the livestock waste management facility as the requirements of this Part. 510--IBES 77/15(a)

(Source: Amended at 25 Ill. Reg. 14888, effective 4/1/74)

Section 506.206 Groundwater Monitoring

- a) The owner or operator of any livestock waste lagoon required to implement groundwater monitoring pursuant to Section 506.204(d) of this Part shall implement a monitoring program that which meets the requirements of this Section and 8 Ill. Adm. Code 900.Subpart F.
- b) The groundwater monitoring network shall consist of a minimum of three monitoring wells located on-the-basis-of-local-groundwater-conditions within 20 feet of the exterior toe of the berm. with At least two of the required wells shall be located down gradient of the lagoon based on local groundwater conditions. For the purposes of groundwater monitoring network design, multiple cell lagoons shall be considered as a single lagoon.
- c) The monitoring wells shall be installed in accordance with the following:
- 1) The requirements of the Illinois Water Well Construction Code at 77 Ill. Adm. Code 920.170;
 - 2) The top of the well screen shall be set at the estimated seasonal low water table elevation;
 - 3) Monitoring wells shall utilize a minimum of a five foot screened interval; and
 - 4) The screen shall be set in a sand pack that extends at least one foot above and one foot below the screened interval of--no--less than five feet and no greater than seven feet.
- d) The owner or operator shall sample the wells, analyze the samples, and report the results in accordance with the requirements of 8 Ill. Adm. Code 900.Subpart F.
- e) Prior-to-placing-the-lagoon-in-service,water-level-measurements-shall be--made--at--each--monitoring-well-to-establish-the-local-groundwater gradient-at-the-lagoon-site.
- e) The owner or operator shall sample each monitoring well at least once prior-to-placing-the-lagoon-in-service--and--at--least--quarterly thereafter--The samples shall be collected--and--analyzed--consistent

- with--the--methods--specified--in--Section--506-104(f)(1) and (3) of this Part--for--each--of--the--following:
- 1) Nitrate-nitrogen;
 - 2) Phosphate-phosphorous;
 - 3) Chloride;
 - 4) Sulfate;
 - 5) Ammonia-nitrogen;
 - 6) Escherichia coli or fecal coliform; and
 - 7) Recal-Streptococcus.
- f) The Department may collect and analyze samples or split--samples--from monitoring--wells--installed--pursuant--to--this--Section--at--the Department's discretion--The Department shall provide notice--to--the owner--or--operator--of--the--livestock--waste--lagoon--of--such--activity--and shall comply with reasonable animal health--protection--procedures--as requested by the owner or operator. 510-IBES-77/15(b)
- g) Analytical--results--as--determined--in--subsection--(e)--of--this--Section shall be submitted to the Department within 45--days--after--sample collection--and--shall--include--a--discussion--of--significance--shall--include--of the results--Such discussion of significance shall include:
- 1) A comparison of the results to the initial sampling made prior to the lagoon being placed in service; and
 - 2) A description of--any--proposed--response--action--necessary--to mitigate potential impacts to groundwater.
- h) The Department shall review--the--submital--provided--pursuant--to subsection--(g)--of--this--Section--evaluate--the--proposed--response--action--and--provide--a--time--frame--for--the--correction--of--any--identified deficiencies--As--a--result--of--the--evaluation--the--Department--may approve--or--modify--the--monitoring--program--or--response--action--including but not limited to, the following:
- 1) Increase or decrease the monitoring well sampling frequency;
 - 2) Add or delete items from the list of sample analytes; or
 - 3) Require changes to the design, construction or operation of--the lagoon--or--changes--in--the--operation--of--the--livestock--management facility--which--shall--be--implemented--by--the--owner--or--operator within the time frame established by the Department.
- i) Failure--of--the--owner--or--operator--to--submit--the--information--required pursuant to subsection--(g)--of--this--Section--or--to--implement--the response--action--approved--or--modified--by--the--Department--shall--be considered a failure to construct a lagoon--in--accordance--with--the requirements--of--this--Part--and--shall--subject--the--owner--or--operator--to penalties--set--forth--in--this--Part--and--the--livestock--Management Facilities Act 510-IBES-77.
- ej) The owner or operator of the earthen livestock lagoon may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. [510 ILCS 77/15(a)] The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water and the structural integrity of the livestock waste

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management facility as the requirements of this Part. {510--IBES 77/15(a)}†

(Source: Amended at 25 Ill. Reg. 14883, effective NOV 15 2001)

Section 506.207 Certification-of Construction in a Karst Area

a) A new earthen livestock waste lagoon constructed in a karst area shall be designed to prevent seepage of the stored material to groundwater. Owners or operators of proposed facilities shall consult with the local soil and water conservation district, the University of Illinois Cooperative Extension Service, or other local, county, or State resources relative to determining the possible presence or absence of such areas. [510 ILCS 77/15(a-5)(2)]

b) Any lagoon subject to the provisions of this Subpart, constructed in a karst area, shall be designed and constructed utilizing a rigid material such as concrete or steel.

c) The owner or operator of the earthen livestock lagoon may, upon written request and with written approval from the Department, modify or exceed the standards of this Section in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste management facility as the requirements of this Part.

a) The Department shall inspect an earthen livestock waste lagoon at least once during the pre-construction construction or post-construction phase and shall require modifications when necessary to ensure the project will be in compliance with the requirements of this Part. {510-IBES-77/15(b)}†

b) Upon completion of construction or installation of a liner, the supervising licensed professional Engineer shall certify that the liner meets all the applicable requirements of Section 506.205 of this Part. Such certification shall be submitted to the Department prior to placing the lagoon in service and shall include supporting data and justification.

c) Upon completion of the construction or modification, but prior to placing the lagoon in service, the owner or operator of the livestock waste lagoon shall certify on a form provided by the Department that the lagoon has been constructed or modified in accordance with the standards set forth in subsection (a) of Section 15 of the Livestock Management Facilities Act {510-IBES-77} and the requirements of this Part and that the information provided on the registration form and other supporting documents as required by this Part is correct. The certification notice to the Department shall include a certification statement and signature. {510-IBES-77/15(b)}†

d) The owner or operator of the lagoon may proceed to place the lagoon in service no earlier than 10 working days after submitting to the

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Department--a--certification--of--compliance--statement--{510--IBES 77/15(b)}†

(Source: Amended at 25 Ill. Reg. 14883, effective NOV 15 2001)

Section 506.208 Construction in a Flood Fringe Area Failure-to-Register-or Construct-in-Accordance-with-Standards

A new earthen livestock waste lagoon may be constructed within the portion of a 100-year floodplain that is within the flood fringe and outside the floodway provided that the facility is designed and constructed so that livestock waste is not readily removed during flooding and meets the requirements set forth in the Rivers, Lakes, and Streams Act [615 ILCS 5], Section 5-40001 of the Counties Code [55 ILCS 5/5-40001], and Executive Order Number 4 (1979). [510 ILCS 77/15(a-5)(1)] The following criteria shall be incorporated into the design of a lagoon proposed for construction in the flood fringe of a 100-year floodplain:

a) The lagoon berms shall be designed and constructed to withstand the hydrostatic pressures from flood waters that may be exerted on the berms during a flood event.

b) The elevation of the lowest point on the berm top shall be at the summation of the elevation of the 100-year flood plus a freeboard. The freeboard height shall be a minimum of two feet.

c) For lagoons with unequal length and width dimensions, the lagoon shall be oriented with the longest dimension parallel to the expected direction of floodwater flow.

d) Any monitoring wells installed pursuant to Section 506.206 of this Subpart shall be mounted flush with the surrounding soil surface or otherwise physically protected from the flood waters.

e) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.

a) The owner or operator of any earthen livestock waste lagoon subject to registration that has not been registered or constructed in accordance with standards set forth in subsection (a) of Section 15 of the Livestock Management Facilities Act {510-IBES-77/15} and in this Part shall, upon being identified as such by the Department, be given written notice by the Department to register and certify the lagoon within 10 working days after receipt of the notice. The lagoon may inspect such lagoon and require compliance in accordance with subsections (a) and (b) of Section 15 of the Livestock Management Facilities Act {510-IBES-77/15} and this Part. If the owner or operator of the livestock waste lagoon that is subject to registration

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fails to comply with the notice, the Department may issue a cease-and-desist order until such time as compliance is obtained with the requirements of Section 15 of the Livestock Management Facilities Act (510-1B6S-77/15) and this Part. Failure to construct the lagoon in accordance with the construction plan and Department recommendations is a business offense punishable by a fine of not more than \$5,000. (510-1B6S-77/15(f))

b) If the owner or operator of the livestock waste lagoon that is subject to registration fails to comply with the notice which addresses violations occurring during lagoon construction, a cease-and-desist order to stop construction may be issued by the Department. Changes shall be made to the lagoon by the owner or operator to ensure construction according to the provisions of the Livestock Management Facilities Act (510-1B6S-77) and this Part. The cease-and-desist order shall be canceled by the Department upon submission of the registration materials by the lagoon owner or operator to the Department, and after the Department is review of the construction plans and specifications and lagoon registration materials, and after determination of compliance with the Livestock Management Facilities Act and this Part by the Department.

e) If the owner or operator of the livestock waste lagoon that is subject to registration fails to comply with the notice addressing violations which occur after completion of lagoon construction, an operational cease-and-desist order may be issued by the Department. Any necessary changes shall be made to the lagoon by the lagoon owner or operator to comply with the Livestock Management Facilities Act and this Part. The operational cease-and-desist order shall be canceled by the Department after the Department determines compliance with the Livestock Management Facilities Act and this Part.

(Source: Amended at 25 Ill. Reg. 1488, effective 1/1/2006)

Section 506.209 Lagoon Closure and Ownership Transfer (Repealed)

a) When any earthen livestock waste lagoon is removed from service, it shall be completely emptied. Appropriate closure procedures shall be followed as determined by the requirements of this Part. (510-1B6S-77/15(e))

1) In the event that any earthen livestock waste lagoon is removed from service, the requirements contained in Section 15(e) of the Livestock Management Facilities Act (510-1B6S-77/15(e)) shall be met. The owner or operator shall notify the Department in writing when a lagoon is removed from service. Within 60 days after removal of the lagoon from service, the owner or operator shall submit a lagoon closure plan to the Department for review and approval. If no lagoon closure plan is received by the Department within 60 days, the Department shall send the lagoon

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owner a notice of default.

2) The lagoon closure plan shall provide for the following:
A) The sampling, analysis and reporting of results of all remaining livestock waste, sludge and minimum six-inch thickness of soil from throughout the lagoon interior consistent with the requirements of Section 506.312 of this Part;

B) The removal of all remaining livestock waste including sludge, the removal of a minimum 6-inch thickness of soil from throughout the lagoon interior, and the application of these materials to crop land at agronomic rates consistent with the provisions of the site livestock waste management plan or their otherwise proper disposal;

C) The removal of all associated appurtenances including but not limited to transfer lines, ramps, pumping ports and other waste conveyance structures;

D) The proper management of any impounded precipitation in the remaining excavation if it is not immediately filled and the area immediately returned to its pre-construction condition; The proper abandonment of any monitoring wells installed pursuant to Section 506.200 of this Part, which shall be conducted pursuant to the Illinois Water Well Construction Code at 77 Ill. Adm. Code 920.120; and

F) A proposed time frame for the completion of the closure activities no greater than two years from the cessation of operation date unless the lagoon is maintained or serviced. The Department shall review and approve, reject or request additional information relative to the lagoon closure plan. The Department may also grant a waiver to any of the before-stated closure requirements that will permit the lagoon to be used for an alternative purpose. (510-1B6S-77/15(e))

4) Upon completion of the lagoon closure activities as prescribed by the Department approved closure plan, the owner or operator shall notify the Department. The Department shall conduct a site inspection and issue a written notification of closure completion or inform the owner or operator of any unresolved closure issues. The Department has ordered the lagoon removed from service under Section 506.620 of this Part.

2) A tribunal of competent jurisdiction has ordered the lagoon closed or ordered the owner or operator to cease operations;

3) The lagoon no longer receives livestock waste and the lagoon is not being serviced or maintained;

4) The owner fails to extend the term for which evidence of financial responsibility is shown as required in Section 506.604(b) of this Part; or

5) The owner informs the Department in accordance with subsection (a) of this Section that the lagoon has been

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~~removed-from-service-~~

- c) ~~Upon a change in the ownership of a registered earthen livestock waste lagoon, the new owner shall notify in writing the Department of the change within 30 working days of the closing of the transaction. (510 ILCS 77/15(e))~~

(Source: Repealed at 25 Ill. Reg. _____, effective 10/1/2001)

Section 506.210 Secondary Containment

Notwithstanding any other requirement of this Subpart or 8 Ill. Adm. Code 900, every earthen livestock waste lagoon constructed pursuant to this Subpart shall include the construction of a secondary berm, filter strip, grass waterway, or terrace, or any combination of those, outside the perimeter of the primary berm if an engineer licensed under the Professional Engineering Practice Act of 1989 and retained by the registrant determines, with the concurrence of the Department, that construction of such a secondary berm or other feature or features is necessary in order to ensure against a release of livestock waste from the lagoon that encroaches or is reasonably expected to encroach upon land other than the land occupied by the livestock waste handling facility of which the lagoon is a part; or that enters or is reasonably expected to enter the waters of this State; or that enters or may reasonably be expected to enter a natural depression in a karst area and shall be so designed. (510 ILCS 77/15(a)) The following criteria shall be incorporated into the design of a system utilized for secondary containment:

- a) A grass waterway constructed, installed, or utilized for the purposes of this Section shall meet or exceed the following:
 - 1) A grass waterway shall be designed and constructed to transfer the maximum expected flow rate of livestock waste that may reasonably be expected to be released from the lagoon;
 - 2) A grass waterway shall direct the flow of livestock waste away from the lagoon berm to a filter strip, secondary berm, terrace, or combination of these; and
 - 3) Vegetation shall be established and maintained to provide adequate ground cover.
- b) A filter strip constructed, installed, or utilized for the purposes of this Section shall meet or exceed the following:
 - 1) A filter strip shall be designed and constructed to function at the maximum expected hydraulic loadings that may reasonably be expected to come from the lagoon; and
 - 2) Vegetation shall be established and maintained to provide adequate ground cover.
- c) A secondary berm constructed, installed, or utilized for the purposes of this Section shall meet or exceed the following:
 - 1) The storage volume created as a result of the construction of a secondary berm shall be of sufficient capacity to contain the portion of the lagoon liquid that may reasonably be expected to

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be released from the lagoon plus any accumulated precipitation; and

- 2) A vegetative cover shall be established. The area shall be maintained by periodic mowing, the removal of woody plant species, or other measures to prevent erosion and berm deterioration.

- d) A terrace constructed, installed, or utilized for the purposes of this Section shall meet or exceed the following:

- 1) The terrace shall direct the livestock waste to a filter strip or grass waterway constructed or installed pursuant to the requirements of this Section; and
- 2) Vegetation shall be established and maintained to provide adequate ground cover on those portions of the terrace where crops are not grown.

- e) The owner or operator of the earthen livestock lagoon may, upon written request and with written approval from the Department, modify or exceed the standards of this Section in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water and the structural integrity of the livestock waste management facility as the requirements of this Part.

(Source: Added 5/1/01, 25 Ill. Reg. _____, effective 5/1/01)

SUBPART C: STANDARDS FOR THE DESIGN AND CONSTRUCTION OF LIVESTOCK WASTE HANDLING FACILITIES OTHER THAN LAGOONS WASTE-MANAGEMENT-PLAN**Section 506.301 Applicability Purpose**

The applicability of this Subpart shall be as follows:

- a) Sections 506.302, 506.310, 506.311, and 506.312 of this Subpart shall apply to the newly constructed livestock waste handling components of new livestock waste handling facilities, other than livestock waste lagoons, the design of which has not been approved by the Department prior to November 15, 2001.

- b) Sections 506.303, 506.304, 506.305, 506.306, 506.307, 506.308, and 506.309 of this Subpart shall apply the newly constructed livestock waste handling components of new or existing livestock waste handling facilities, other than livestock waste lagoons, the design of which has not been approved by the Department prior to November 15, 2001.

The standards and specifications for livestock waste handling facility design and construction contained in this Subpart shall be utilized in the design plans and construction of the waste handling facility in accordance with the requirements of 8 Ill. Adm. Code 900. Subpart E.

~~Livestock waste management plans shall be prepared by livestock management facility owners or operators to provide for adequate land area for the proper application of livestock waste at rates not to exceed the agronomic nitrogen~~

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demand--of--the--crops--to--be--grown--when--averaged--over--a--5--year--period {510-1165 77/204644}

(Source: Amended at 25 Ill. Reg. 14889, effective 1/1/88.)

Section 506.302 Site Investigation Scope and Applicability

a) The owner or operator of a livestock waste handling facility shall conduct a site investigation in accordance with the requirements of this Section to determine the following:

- 1) Whether aquifer material is considered present (or not present) within 5 feet of the planned bottom of the livestock waste handling facility;
 - 2) Whether the proposed facility is to be located within the floodway or flood fringe of a 100-year floodplain; and
 - 3) Whether the proposed facility is to be located within a karst area or within 400 feet of a natural depression in a karst area.
- b) Except for facilities that are proposed to be located within an area designated as "Sink hole areas" on "Karst Terrains and Carbonate Rocks of Illinois", IDNR-ISGS Illinois Map 8, the owner or operator shall obtain soil samples from within the final livestock waste handling facility area or within 20 feet of the livestock waste handling facility boundaries. The sampling shall be performed to determine the presence of aquifer material or karstified carbonate bedrock as follows:

- 1) The soil sampling shall begin at the soil surface and extend to a depth that includes a minimum of 5 feet below the planned bottom of the livestock waste handling facility native soil or to bedrock;
 - 2) If bedrock is encountered, additional soil samplings may be necessary to verify the presence of aquifer material or karstified carbonate bedrock;
 - 3) Continuous samples shall be recovered from each soil sampling; and
 - 4) Upon completion, any boring used for sampling shall be properly abandoned and sealed pursuant to the Illinois Water Well Construction Code at 77 Ill. Adm. Code 920.120. Any excavation used for sampling that is within the construction boundaries of the livestock management facility or livestock waste handling facility shall be restored by the addition of soil compacted in lifts no greater than 6 inches.
- c) If the Department determines that additional soil samplings are necessary to ensure the protection of the groundwater, surface water or the structural integrity of the livestock waste handling facility, the Department shall require additional soil samplings.
- d) As an alternative to performing the soil sampling required under subsection (b) or (c) of this Section, the owner or operator of the

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livestock waste handling facility may propose to the Department to utilize alternative information source(s). The Department shall evaluate the proposal; determine whether the alternative information source(s) will result in a site investigation that will be at least as protective of the groundwater, surface water and the structural integrity of the livestock waste handling facility as would have resulted from data resulting from soil borings; and notify the owner or operator of the Department's finding.

e) Notwithstanding the other requirements of this Subpart, if aquifer material is located above or within 5 feet of the lowest point of the livestock waste handling facility, the design of the facility shall include the additional requirements of Section 506.310 of this Subpart.

f) Notwithstanding the other requirements of this Subpart, if the site investigation determines that the livestock waste handling facility is to be located in the flood fringe of a 100-year floodplain, the design of the facility shall include the additional requirements of Section 506.311 of this Subpart.

g) If the proposed livestock waste handling facility is to be located within an area designated as "Sink hole areas" on "Karst Terrains and Carbonate Rocks of Illinois", IDNR-ISGS Illinois Map 8 or if the results of the soil sampling conducted pursuant to Section 506.302(b) of this Subpart indicate the proposed livestock waste handling facility is to be located in a karst area, the following requirements shall be met:

- 1) The Department shall conduct a visual inspection of the surrounding area to determine the presence of natural depressions during the pre-construction site inspection as required pursuant to 8 Ill. Adm. Code 900.505(a). Construction may not occur within 400 feet of a natural depression in a karst area;
- 2) The owner or operator shall perform one or more soil borings that shall be located within the final livestock waste handling facility area or within 20 feet of the livestock waste handling facility boundaries to determine the presence of voids. The boring shall begin at the soil surface and extend to a depth that includes a minimum of 20 feet below the planned bottom of the livestock waste handling facility;
- 3) Continuous samples shall be recovered from each boring;
- 4) The Licensed Professional Engineer, Licensed Professional Geologist, or USDA-NRCS representative designated to perform such functions shall evaluate the results of the soil boring. If a void of 1 foot or greater in vertical distance is discovered from the soil boring performed pursuant to subsection (g)(2) of this Section, the following requirements shall be met:
 - A) The Department may require additional borings to determine the extent of the void;
 - B) Notwithstanding the other requirements of this Subpart, the owner or operator shall submit to the Department a plan for

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the design of the facility that shall include the additional design requirements set forth in Section 506.312 of this Part and shall include any additional design requirements deemed necessary by the Licensed Professional Engineer; and

C) The Department shall review and approve the plan required pursuant to subsection (g)(4)(B) of this Section prior to construction. The Department may also require additional design criteria before the plan is approved and construction may begin.

If, as a result of the soil boring, no voids of 1 foot or greater in vertical distance are discovered, the design shall include the additional requirements set forth in Section 506.312 of this Subpart.

5) Upon completion of the boring(s) required pursuant to subsection (g) of this Section, the boring(s) shall be properly abandoned and sealed pursuant to the Illinois Water Well Construction Code at 77 Ill. Adm. Code 920.120.

h) The site investigation in accordance with subsections (b), (c), (d), (e), (f), and (g) of this Section shall be conducted under the direction of a Licensed Professional Engineer, a Licensed Professional Geologist, or a representative of USDA-NRCS designated to perform such functions.

a) A waste management plan shall be prepared according to the requirements contained in Section 20 of the Livestock Management Facilities Act (510-1B65-77/20) and in this Subpart. The application of livestock waste to the land is an acceptable, recommended, and established practice in Illinois. However, when livestock waste is not applied in a responsible manner, it may create pollutional problems. It should be recognized that, in most cases, if the agronomic nitrogen rate is met, the phosphorus applied will exceed the crop requirements, but not all of the phosphorus may be available for use by the crop. It will be considered acceptable, therefore, to prepare and implement a waste management plan based on the nitrogen rate. (510-1B65-77/20(f))

b) The livestock management facility owner or operator at a facility of less than 1,000 animal units shall not be required to prepare and maintain a waste management plan. (510-1B65-77/20(b))

c) The livestock management facility owner or operator at a facility of 1,000 or greater animal units but less than 7,000 animal units shall prepare, maintain, and implement a waste management plan and comply with the following: (510-1B65-77/20(c))

1) For facilities which commence operations or reach or exceed 1,000 animal units after the effective date of this Part, the owner or operator shall prepare, maintain, and implement a waste management plan within 60 working days after commencing operations or exceeding 1,000 animal units.

2) Prior to the expiration of the waste management plan preparation period, the owner or operator shall submit to the Department a

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form certifying that a waste management plan has been prepared. The form shall also list the location of the plan.

3) The waste management plan and records of livestock waste disposal shall be kept on file at the facility for a period of three years and shall be available for inspection by Department personnel during normal business hours, and

4) Notwithstanding the above provisions, a livestock management facility subject to this subsection (e) may be operated on an interim basis but not to exceed 6 months after the effective date of this Part to allow for the owner or operator of the facility to develop a waste management plan. (510-1B65-77/20(c))

d) The livestock management facility owner or operator at a facility of 7,000 or greater animal units shall prepare, maintain, implement, and submit to the Department the waste management plan for approval (510-1B65-77/20(d)) and comply with the following:

1) For facilities which commence operations after the effective date of this Part, the owner or operator shall submit a waste management plan to the Department. The facility shall not commence operation before the Department approves the plan.

2) For existing facilities that reach or exceed 7,000 animal units through expansion, the owner or operator shall submit to the Department a waste management plan within 60 working days after reaching or exceeding 7,000 animal units for approval by the Department, and

3) The waste management plan and records of livestock waste disposal shall be kept on file at the facility for a period of three years and shall be available for inspection by Department personnel during normal business hours.

e) A separate waste management plan shall be developed for each livestock waste handling facility. Livestock waste from each different type of livestock waste storage structure or system shall be accounted for in separate waste management plans or as separate sections of one plan. Waste from different types of storage structures may be applied to the same land provided that the nitrogen rate to obtain targeted crop yield goals is not exceeded.

f) Notwithstanding the above provisions, a facility owner or operator who prepared a waste management plan pursuant to the emergency amendment adopted in R97-14 at 20-111 Reg. 14903, effective October 31, 1996, and the emergency rules adopted in R97-14 at 21-111 Reg. 4313, effective March 31, 1997, shall be deemed to have prepared a waste management plan pursuant to this Subpart.

g) For the purposes of this Subpart, the number of animal units served by a livestock waste handling facility shall be determined as the maximum design capacity of the livestock management facility which is being served by the livestock waste handling facility.

(Source: ~~Amended~~ at 25 Ill. Reg. _____, effective _____)

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Section 506.303 Non-lagoon Livestock Waste Storage Volume Requirements Waste Management Plan-Contents

a) Livestock waste handling facilities that handle waste in a liquid or semi-solid form shall be designed to contain a volume of not less than the amount of waste generated during 150 days of facility operation at design capacity. [510 ILCS 77/13(a)(1)(B)] In addition, the design and volume of livestock waste storage structures that handle waste in a liquid or semi-solid form shall include the following:

- 1) Runoff volumes generated during a 150-day period, including all runoff and precipitation from lots, roofs and other surfaces where precipitation is directed into the storage structure. In no case shall this volume be less than the precipitation and runoff generated by a 25-year, 24-hour storm event and directed to the livestock waste handling facility;
- 2) The volume of all wash down liquid generated during the 150-day period that is directed into the livestock waste handling facility; and
- 3) A freeboard of 2 feet, except for structures with a cover or otherwise protected from precipitation.

b) Livestock waste handling facilities that handle waste in a solid form shall be sized to store not less than the amount of waste generated during 6 months of facility operation at design capacity. [510 ILCS 77/14(a)(4)]

c) Pump stations, settling tanks, pumps, piping, or other components of a livestock waste handling facility that temporarily hold or transport waste to a storage facility sized pursuant to this Section shall be exempt from the storage volume requirements of this Section.

d) The design of any livestock waste storage structure required to incorporate a freeboard pursuant to subsection (a) of this Section shall include a liquid level board or staff gauge. The liquid level board or staff gauge shall include a mark corresponding to the summation of the livestock waste volume and the additional wash down volume pursuant to subsection (a) of this Section, and shall be designated as the "START PUMPING" elevation.

The Livestock Waste Management Plan shall contain the following items:

- a) Name, address, and phone number of the owner(s) of the livestock facility;
- b) Name, address, and phone number of the manager or operator, if different than the owner(s);
- c) Address, phone number, and plot location of the facility, and directions from nearest post-office;
- d) Type of waste storage for the facility;
- e) Species, general size, number of animals, and number of animal units at the facility;
- f) Aerial photos and maps outlining fields available and intended for livestock waste applications with available acreage listed and with residences, non-farm businesses, common places of assembly, streams,

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g) wells, waterways, lakes, ponds, rivers, drainage ditches, and other water sources indicated;

For application of fields not owned or rented, copies of waste application agreements between the owner or operator of the livestock facility and the owner of the land where livestock waste will be applied;

h) An estimate of the volume of waste to be disposed of annually [510 ILCS 77/20(f)(1)];

i) Cropping schedule for each field for the past year, anticipated crops for the current year, and anticipated crops for the next two years after the current year;

j) Targeted crop yield goal for each crop in each field;

k) Estimated nutrient content of the livestock waste;

l) Livestock waste application methods;

m) Calculations showing the following:

- 1) Amount of available livestock waste for application;
- 2) Amount of nitrogen available for application;
- 3) Nitrogen loss due to method of application;
- 4) Amount of plant available nitrogen including mineralization of organic nitrogen;
- 5) Amount of nitrogen required by each crop in each field based on targeted crop yield goal;
- 6) Nitrogen credits from previous crops from other sources of fertilizer applied for the growing season and from any manure applications during the previous three years for each application field;
- 7) Livestock waste application rate based on nitrogen for each application field; and

n) Land area required for application;

o) A listing of fields and the planned livestock waste application amounts for each field;

p) A provision that livestock waste applied within 1/4 mile of any residence not part of the facility shall be injected or incorporated on the day of application. However, livestock management facilities and livestock waste handling facilities that have irrigation systems in operation prior to May 21, 1996, or existing facilities applying waste on frozen ground are not subject to the provisions of this subsection (o). [510 ILCS 77/20(f)(5)];

q) A provision that livestock waste may not be applied within 200 feet of surface water unless the water is upgrate or there is adequate drinking and waste will not be applied within 150 feet of potable water supply wells [510 ILCS 77/20(f)(6)];

r) A provision that livestock waste may not be applied in a 10-year flood plain unless the injection or incorporation method of application is used [510 ILCS 77/20(f)(7)];

s) A provision that livestock waste may not be applied in waterways for the purposes of this Part; a grassed area serving as a waterway may receive livestock waste through an irrigation system if there is no

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runoff--the distance from applied livestock waste to surface water is greater than 200 feet, the distance from applied livestock waste to potable water supply wells is greater than 150 feet, the distance from applied livestock waste to a non-potable well, an abandoned or plugged well, a drainage well, or an injection well is greater than 100 feet, and precipitation is not expected within 24 hours--{510--IBES 77/20(f)(9)};

s) ~~A provision that if waste is spread on frozen or snow covered land, the application will be limited to land areas on which:~~

1) ~~land slopes are 5% or less; or~~

t) ~~Adequate erosion control practices exist {510-IBES-77/20(f)(9)}; For livestock facilities utilizing an earthen lagoon or other earthen waste storage structure, a provision that the owner, operator, or certified livestock manager shall inspect all berm tops, exterior berm sides, and non-submerged interior berm sides for evidence of erosion, burrowing animal activity, and other indications of berm degradation on a frequency of not less than once every two weeks; and~~

u) ~~A provision that livestock waste may not be applied during a rainfall or to saturated soil and that conservative waste loading rates will be used in the case of a high water table or shallow earth cover to fractured bedrock. Caution should be exercised in applying livestock wastes, particularly on porous soils, so as not to cause nitrate or bacteria contamination of groundwaters.~~

(Source: Amended at 25 Ill. Reg. 748893, effective 11/15/2001)

Section 506.304 General Design and Construction Standards Livestock Waste

a) Livestock waste handling facilities shall be designed and constructed according to the following requirements:

1) Storage and transport surfaces, other than those constructed of concrete, intended to come into contact with livestock waste shall be constructed or installed to achieve a hydraulic conductivity equal to or less than 1×10^{-7} centimeters per second.

2) Storage and transport surfaces constructed of concrete and intended to come into contact with livestock waste shall be constructed or installed to achieve a hydraulic conductivity equal to or less than 1×10^{-6} centimeters per second.

3) Notwithstanding subsection (a)(1) of this Section, storage and transport surfaces constructed at enclosed livestock waste handling facilities intended to house poultry that come into contact with livestock waste that is in dry or solid form shall be constructed or installed to achieve a hydraulic conductivity equal to or less than 1×10^{-6} centimeters per second.

4) The livestock waste handling facility shall withstand, at a

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minimum, the following loads:

A) Lateral loads due to soil and equipment, which shall be obtained from Table 2 of the Midwest Plan Service Concrete Manure Storages Handbook, MWPS-36;

B) Lateral loads due to livestock waste scraping and handling equipment;

C) Lateral and vertical loads due to the handling and storage of livestock waste;

D) Vertical loads on tank tops, slats, and other horizontal surfaces, which shall be obtained from Table 3 of the Midwest Plan Service Concrete Manure Storages Handbook, MWPS-36; and

E) Vertical loads due to mobile equipment, stationary equipment, and structures housing the livestock.

5) The construction materials shall be chemically compatible with the livestock waste being handled and stored and the supporting soil materials.

6) The livestock waste handling facility shall be designed and constructed to prevent erosion and damage resulting from the transport, handling, and storage of livestock waste.

7) Existing subsurface drainage lines in the immediate area of the livestock waste handling facility shall be removed or relocated to provide for a minimum separation distance of not less than 50 feet between the outermost extent of the livestock waste handling facility and the subsurface drainage line.

8) The minimum separation distance between the outermost extent of the livestock waste handling facility and any potential route of groundwater contamination, as defined in the Illinois Environmental Protection Act [415 ILCS 5], shall be not less than 100 feet. In addition, the minimum separation distance between the outermost extent of the livestock waste handling facility and a non-potable well, an abandoned or plugged well, drainage well, or injection well shall be not less than 100 feet.

9) The design and construction of livestock waste handling facilities shall include a backflow prevention device to prevent siphoning or gravity flow of livestock waste in the opposite direction of intended use.

b) In addition to the requirements listed in this Section, livestock waste handling facilities shall be designed and constructed pursuant to the following:

1) Concrete livestock waste storage tanks shall be designed and constructed in accordance with Midwest Plan Service Concrete Manure Storages Handbook, MWPS-36, or, in the case of circular concrete tanks, Circular Concrete Manure Tanks, MWPS TR-9.

2) Components of livestock waste handling facilities that temporarily hold or transport waste for the purpose of liquid and solid separation, including but not limited to settling basins and settling tanks, shall be designed and constructed in

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accordance with Midwest Plan Service Livestock Waste Facilities Handbook, MWPS-18, or NRCS Waste Storage Structure, IL313.

- 3) Components of livestock waste handling facilities holding semi-solid waste, including but not limited to picket dam structures, shall be designed and constructed in accordance with Midwest Plan Service Livestock Waste Facilities Handbook, MWPS-18, or similar standards used by USDA-NRCS.

- 4) Components of livestock waste handling facilities holding solid waste, including but not limited to temporary manure stacks, shall be designed and constructed in accordance with Midwest Plan Service Livestock Waste Facilities Handbook, MWPS-18, or similar standards used by USDA-NRCS, including but not limited to Waste Storage Structure, IL313.

- 5) Holding ponds used for the storage of livestock feedlot run-off and waste storage ponds shall be designed and constructed in accordance with Midwest Plan Service Livestock Waste Facilities Handbook, MWPS-18, or similar standards used by USDA-NRCS, including but not limited to Waste Holding Pond, IL425.

- c) In areas where the seasonal high water table may encroach upon the bottom of the livestock waste storage structure, a perimeter foundation drainage tubing shall be installed as follows:

- 1) The drainage tubing must be located at a horizontal distance that provides sufficient drainage to maintain the water table elevation below the bottom of the footings.

- 2) The tubing shall drain freely to a surface water outlet or other subsurface drainage outlet.

- 3) The tubing must include a sampling port to allow the monitoring, sampling, and reporting of any discharge from the tubing in accordance with the requirements of 8 Ill. Adm. Code 900.Subpart E.

- 4) The owner or operator shall take necessary measures to divert the discharge from the drainage tubing, away from surface water, if monitoring results pursuant to subsection (c)(3) of this Section indicate that the tubing is discharging livestock waste. Such measures shall include, but not be limited to, diverting the flow to crop production area naturally lower in elevation than the livestock facility, or providing a manhole with a gate valve that could be closed in an emergency.

- d) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.

The volume of available livestock waste for application as required in Section 506-303(m)(1) of this Part, shall be determined from site specific measurements of the waste storage structure. Calculations and a description of the volume

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determination shall be included in the waste management plan:

(Source: Amended at 25 Ill. Reg. 24303, effective 4/04/2001)

Section 506.305 Additional Concrete Design and Construction Standards Nutrient Content of Livestock Waste

- a) In addition to the requirements set forth in Section 506.304 of this Subpart, the design and construction of concrete components of livestock waste handling facilities shall meet the following requirements:

- 1) Construction joints shall be incorporated into the concrete in accordance with the design guidance provided in Midwest Plan Service Concrete Manure Storage Handbooks, MWPS-36, or, in the case of circular concrete tanks, Circular Concrete Manure Tanks, TR-9;

- 2) Water stops shall be incorporated into construction joints in accordance with the design guidance provided in Midwest Plan Service Concrete Manure Storage Handbooks, MWPS-36, or, in the case of circular concrete tanks, Circular Concrete Manure Tanks, TR-9;

- 3) Concrete minimum compressive strength requirements shall be in accordance with the design guidance provided in Table 28 of Midwest Plan Service Concrete Manure Storage Handbooks, MWPS-36, or, in the case of circular concrete tanks, Table 1 of Circular Concrete Manure Tanks, TR-9; and

- 4) The strength, cover, and bending requirements for concrete reinforcement shall be in accordance with the design guidance provided in Table 1 of Midwest Plan Service Concrete Manure Storage Handbooks, MWPS-36, or, in the case of circular concrete tanks, TR-9.

- b) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.

- a) For new facilities without a waste management plan or facilities where a waste management plan is being initially prepared pursuant to this Part, the owner or operator shall obtain the nitrogen content of the livestock waste, as required in Section 506-303(m)(2) of this Part, from the results of a laboratory analysis of livestock waste samples from the waste storage facility or from estimated values provided by the University of Illinois Cooperative Extension Service or the Natural Resources Conservation Service of the United States Department of Agriculture.

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- b) The livestock waste handling facility owner or operator shall annually obtain a laboratory analysis of the nutrient content of the livestock waste to be applied to land as provided within the waste management plan. Livestock waste shall be sampled during the application process. Multiple subsamples shall be obtained and may be combined into one sample for analysis so that a representative sample is used for preparation of the waste management plan. A sample taken during waste application the previous year can be used as a representative sample of the waste to be applied the following year unless there has been a change in the waste management practices.
- c) Livestock waste sampling shall be performed under the direction of a certified livestock manager to ensure a representative sample from the livestock waste storage facility and to preserve the integrity of the sample.
- d) The laboratory analysis of the livestock waste sample shall include but not be limited to total nitrogen, ammonium nitrogen, total phosphorus, and total potassium. Results of the analysis shall be included in the waste management plan.

(Source: Amended at 25 Ill. Reg. 14.084, effective NOV 15 2001)

Section 506.306 Additional Metal Design and Construction Standards Adjustments to Nitrogen Availability

- a) In addition to the requirements set forth in Section 506.304 of this Subpart, the design and construction of metal components of livestock waste handling facilities shall meet the following requirements:
- 1) All metal surfaces shall be protected by a corrosion resistance system;
 - 2) Concrete footings and bases shall meet the strength and load requirements set forth in Sections 506.304 and 506.305 of this Subpart;
 - 3) The connection of dissimilar metals shall be minimized; and
 - 4) Metal components of livestock waste handling facilities shall be constructed or installed according to the manufacturer's specifications and guidelines.
- b) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed the standards of this Section in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.
- Adjustments shall be made to nitrogen availability to account for nitrogen loss from livestock waste due to method of application as required in Section 506.303(m)(3), and to account for the conversion of organic nitrogen into a plant available form as required in Section 506.303(m)(4) of this Part.

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(Source: Amended at 25 Ill. Reg. 14.084, effective NOV 15 2001)

Section 506.307 Additional Earthen Material Design and Construction Standards Targeted Crop Yield Goal

- a) In addition to the requirements set forth in Section 506.304 of this Subpart, the design and construction of earthen components of livestock waste handling facilities shall meet the following requirements:
- 1) The construction and compaction of the earthen component shall be carried out to reduce void spaces and allow the earthen component to support the loadings imposed by the livestock waste without settling;
 - 2) The minimum top width of any berm incorporated into the design of any earthen component shall be 8 feet; and
 - 3) Walls incorporated into the design of an earthen component shall have side slopes not steeper than a 2.5 to 1 ratio of horizontal to vertical.
- b) The floor of enclosed deep bedded livestock systems and poultry litter systems that handle waste in dry or solid form, and utilize an earthen base shall be constructed to achieve a hydraulic conductivity of equal to or less than 1 x 10⁻⁶ centimeters per second.
- c) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.
- a) The targeted crop yield goal as required in Section 506.303(m)(5) of this Part shall be determined for each field where the livestock waste is to be applied. The targeted crop yield goal shall be determined by obtaining an average yield over a five-year period from the field where livestock waste is to be applied. The following listing of sources of data shall be utilized to determine the targeted crop yield goal:
- 1) Proven yields. The proven yield shall be determined by obtaining an average yield over a five-year period from the field where livestock waste is to be applied. The owner or operator shall indicate the method used to determine the proven yield. Data from years with crop disasters may be discarded. Proven yields shall be used unless there is sound agronomic basis for predicting a different targeted crop yield goal.
 - 2) Crop insurance yields. A copy of the crop insurance yield shall be included in the plan or
 - 3) Farm Service Agency. United States Department of Agriculture yields. A copy of the assigned crop yields shall be included in

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the plan-

- b) Soils-based yield data from the Natural Resources Conservation Service of the United States Department of Agriculture shall be used--if--the owner or operator cannot obtain a targeted crop yield goal pursuant to subsection--(a)--of this Section--A soil map of the application areas shall be included in the plan--The targeted crop yield goal shall be determined by a weighted average--of the soil interpretation yield estimates for the areas that will receive livestock waste.

(Source: Amended at 25 Ill. Reg. 14926, effective 11/13/2001)

Section 506.308 Additional Synthetic Material Design and Construction Standards

- a) In addition to the requirements set forth in Section 506.304 of this Subpart, the design and construction of synthetic components of livestock waste handling facilities shall meet the following requirements:

- 1) The synthetic material shall be supported by a compacted base free from sharp objects;
 - 2) The use of field seams shall be minimized. All field seams shall be made according to the manufacturer's specifications and oriented in the direction subject to the least amount of stress;
 - 3) The synthetic material shall be resistant to or otherwise protected from damage from construction or operation and degradation by ultraviolet light;
 - 4) Synthetic components shall be designed for use in livestock waste handling facilities and shall be installed according to the manufacturer's specifications and guidelines;
 - 5) The liner shall be chemically compatible with the livestock waste being handled and stored and the supporting soil materials; and
 - 6) The liner shall have sufficient strength and durability to function at the site under the maximum expected loadings imposed by the waste and equipment and stresses imposed by settlement, temperature, construction, and operation.
- b) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.

(Source: Added at 25 Ill. Reg. 14926, effective 11/13/2001)

Section 506.309 Additional Wooden Material Design and Construction Standards

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Nitrogen-Credits

- a) In addition to the requirements set forth in Section 506.304 of this Subpart, the design and construction of wooden components of livestock waste handling facilities shall meet the following requirements:

- 1) Wooden materials shall be naturally resistant or treated to resist damage from decay and corrosion; and
 - 2) Construction fasteners shall be resistant to corrosion.
- b) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.

- a) Nitrogen-credits shall be calculated by the livestock--facility--owner or operator--pursuant--to--Section--506.303(f)(6)--of this Part--for nitrogen-producing crops grown the previous year, for other sources of nitrogen applied for the growing season, and for mineralized--organic nitrogen in livestock waste applied during the previous three years.
- b) Nitrogen--credits--shall be calculated by the livestock facility owner or operator for the mineralized organic nitrogen--in--livestock--waste applied during the previous three years at the rate of 50%--25%--and 12.5%--respectively--of that mineralized during the first year.

(Source: Amended at 25 Ill. Reg. 14926, effective 11/13/2001)

Section 506.310 Additional Design and Construction Standards for Construction in an Area with Shallow Aquifer Material Records of Waste-Disposal

- a) In addition to the other requirements of this Subpart, if aquifer material is located above or within 5 feet of the lowest point of the proposed livestock waste handling facility as determined under Section 506.302 of this Subpart, the design and construction of the facility shall comply with the requirements of this Section.

- b) Livestock waste handling facility components constructed of concrete shall ensure that concrete footings extend below the maximum frost depth.

- c) Livestock waste handling facility components constructed of earthen materials shall include the installation of an earthen or synthetic liner.

- 1) Earthen liners shall meet the following requirements:

- A) The liner shall consist of in-situ soil, borrowed clay, or clay/bentonite mixtures;
- B) The minimum liner thickness shall be 2 feet;
- C) The liner shall be constructed in lifts not to exceed 6 inches in compacted thickness; and

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D) The construction and compaction of the liner shall be carried out to reduce void spaces and allow the liner to support the loadings imposed by the waste disposal operation without settling.

2) Synthetic liners shall meet the design and construction requirements set forth in Section 506.308 of this Subpart and shall have a minimum thickness of 40 mil.

3) The design, construction, and installation of the liner required pursuant to this Section shall be conducted under the direction of a Licensed Professional Engineer. Upon completion of construction or installation of the liner, the supervising Licensed Professional Engineer shall certify that the liner meets all the applicable requirements of this Section. Such certification shall include all supporting justification and data.

4) The owner or operator of the livestock waste handling facility shall submit to the Department a copy of the Licensed Professional Engineer's liner certification prior to placing the livestock waste handling facility in service in accordance with 8 Ill. Adm. Code 900.506(a).

d) The owner and operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.

Records-of-the-livestock-waste-disposal-shall-include-the-following-items:

- a) Date-of-livestock-waste-application;
- b) The-field-where-livestock-waste-application-was-made;
- c) Method-of-livestock-waste-application;
- d) Livestock-waste-application-rate;
- e) Number-of-acres-receiving-waste; and
- f) Amount-of-livestock-waste-applied.

(Source: Amended at 25 Ill. Reg. 14883, effective 10/15/2001)

Section 506.311 Additional Design and Construction Standards for Construction in a Flood Fringe Area Approval-of-Waste-Management-Plans

No new non-lagoon livestock management facility or livestock waste handling facility may be constructed within the floodway of a 100-year floodplain. A new livestock management facility or livestock waste handling facility may be constructed within the portion of a 100-year floodplain that is within the flood fringe and outside the floodway provided that the facility is designed and constructed to be protected from flooding and meets the requirements set forth in the Rivers, Lakes, and Streams Act [615 ILCS 5]. Section 5-40001 of

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the Counties Code [55 ILCS 5/5-40001], and Executive Order Number 4 (1979). [510 ILCS 77/13(b)(1)] Notwithstanding the other requirements of this Subpart or 8 Ill. Adm. Code 900, the following criteria shall be incorporated into the design of a non-lagoon livestock management facility or livestock waste handling facility proposed for construction in the flood fringe of a 100-year floodplain:

a) The berms and walls shall be designed and constructed to withstand the hydrostatic pressures from flood waters that may be exerted on the berms and walls during a flood event;

b) The elevation of the lowest point on the berm top and wall shall be at the elevation of the 100-year flood plus a minimum of two feet;

c) For facilities with unequal length and width dimensions the facility shall be oriented with the longest dimension parallel to the expected direction of floodwater flow; and

d) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.

a) Department-approval-of-livestock-waste-management-plans-shall-be-based-on-the-following-criteria:

- 1) Livestock-waste-application-rate-of-nitrogen-not-to-exceed-the-crop-nitrogen-requirements-for-targeted-crop-yield-goals;
- 2) Demonstration-of-adequate-land-area-for-livestock-waste-application-based-on-Section-506.303-of-this-Part; and
- 3) Completeness-and-accuracy-of-plan--contents--as-specified-in-Section-506.303-of-this-Part.

b) The owner or operator of the livestock management facility shall be notified by the Department within 30 working days after receipt of the livestock waste management plan that the plan has been approved or that further information or changes are needed. The owner or operator shall provide the information or changes within 30 working days.

(Source: Amended at 25 Ill. Reg. 14883, effective 10/15/2001)

Section 506.312 Additional Design and Construction Standards for Construction in a Karst Area Bridge-Removal

a) A new non-lagoon livestock waste handling facility constructed in a karst area shall be designed to prevent seepage of the stored material into groundwater in accordance with ASAE EP393.2. Owners or operators of proposed facilities should consult with the local soil and water conservation district, the University of Illinois Cooperative Extension Service, or other local, county, or State resources relative to determining the possible presence or absence of such areas. [510

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ILCS 77/13(b)(2)

- b) Any livestock waste handling facility constructed in a karst area shall be designed and constructed utilizing a rigid material such as concrete or steel.
- c) The owner or operator of the livestock waste handling facility may, upon written request and with written approval from the Department, modify or exceed these standards in order to meet site specific objectives. The owner or operator shall demonstrate that such modification shall be at least as protective of the groundwater, surface water, and the structural integrity of the livestock waste handling facility as the requirements of this Part.
- a) Within 60 days prior to periodic removal of sludge from a livestock waste storage structure, the livestock facility owner or operator shall test the sludge for nutrient content pursuant to Section 506-305(f) and (d) of this Subpart. Application of the sludge to the land shall not exceed the nitrogen requirement to obtain targeted yields of the crop to be grown.
- b) Prior to the removal of the remaining livestock waste, soil, and sludge during a lagoon closure, the waste soil and sludge shall be tested for nutrient content pursuant to Section 506-305(f) and (d) of this Subpart. Application of the waste soil and sludge to the land shall not exceed the nitrogen requirement to obtain targeted yields of the crop to be grown.
- c) Nitrogen requirements based on targeted yields for the crop to be grown may be met but shall not be exceeded by any combination of the following:
- 1) Livestock waste applications;
 - 2) Periodic sludge applications; or
 - 3) Remaining livestock waste soil or sludge applications during a waste storage structure closure.

(Source: Amended at 25 Ill. Reg. 1488, effective 10/1/2001)

Section 506.313 Plan Updates (Repealed)

- a) The waste management plan shall be reviewed annually by the livestock facility owner or operator and updated, if necessary, after receipt by the owner or operator of the nutrient content results from the laboratory analysis of the livestock waste as required in Section 506-305(b), (c), and (d) of this Subpart, but prior to the next application period of the livestock waste to the land.
- b) The waste management plan shall also be updated when at least one of the following occurs:
- 1) A change in the amount of land area needed to dispose of the livestock waste based upon a change in the waste volume to be disposed of; nitrogen content of the livestock waste; or other factors;

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- 2) A change in land that is available for livestock waste application if the land is not currently included in the waste management plan;
- 3) Method of livestock waste disposal or application changes; or
- 4) Cropping sequence changes which alter the amount of livestock waste to be applied.

(Source: Repealed at 25 Ill. Reg. 1488, effective 10/1/2001)

Section 506.314 Penalties (Repealed)

- a) Any person who is required to prepare, maintain, and implement a waste management plan and who fails to do so shall be issued a warning letter by the Department for the first violation and shall be given 30 working days to prepare a waste management plan. For failure to prepare, maintain, and implement a waste management plan, the person shall be fined an administrative penalty of up to \$500 by the Department and shall be required to enter into an agreement of compliance to prepare, maintain, and implement a waste management plan within 30 working days. For failure to prepare, maintain, and implement a waste management plan after the second 30-day period or for failure to enter into a compliance agreement, the Department may issue an operational cease and desist order until compliance is attained. 1510-IHCS-77/30(g)
- b) The operational cease and desist order procedures may be suspended by the Department upon submittal of a waste management plan by the owner or operator to the Department. The cease and desist order shall be canceled by the Department upon approval of the waste management plan by the Department.
- c) A waste management plan prepared as a result of a warning letter or compliance agreement shall be subject to approval by the Department. Penalties shall not be imposed for excessive nitrogen application for unplanned cropping changes due to weather or other unforeseeable circumstances.

(Source: Repealed at 25 Ill. Reg. 1488, effective 10/1/2001)

SUBPART D: CERTIFIED LIVESTOCK MANAGER

Section 506.401 Applicability (Repealed)

- a) A livestock waste handling facility serving 300 or greater animal units shall be operated only under the supervision of a certified livestock manager. Notwithstanding the before-stated provision, a livestock waste handling facility may be operated on an interim basis but not to exceed 6 months to allow for the owner or operator of the

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facility-to-become-certified--for-the-purposes-of-this-Subpart--being operated--under-the-supervision-of-a-certified-livestock-manager--shall mean--that--the-certified--livestock--manager--shall--be--immediately available--to-the-workers--at-a-livestock-waste-handling-facility--either in-person--or--via--telecommunications--and--shall--have--the--ability--to--be physically-present--at--the--livestock-waste-handling-facility--within-one hour--after--notification--{510-IBGS-77/30(a)}.

b) Persons--may--become--certified--livestock-managers--by--demonstrating--an understanding--of--and--competence--for--the--operation--of--livestock--waste handling--facilities--as--established--in--Section-30--of--the--Livestock Management-Facilities-Act--{510-IBGS-77}--and--further--described--in--this Subpart--{510-IBGS-77/30(a)}--shall--establish--or--re-establish certification--when--required--to--do--so--in--accordance--with--Section-30--of the--Livestock-Management-Facilities-Act.

c) A--livestock--manager--certified--pursuant--to--the--emergency--amendment adopted--in--R97-14--at--20--Ill--Reg--149037--effective--October--31--1996 and--the--emergency--rules--adopted--in--R97-14--at--21--Ill--Reg--43137 effective--March--31--1997--shall--be--considered--as--certified--pursuant--to this-Subpart.

For-the-purposes-of-this-Subpart--the-number-of-animal-units--served--by a-livestock-waste-handling-facility--is--the-maximum-design-capacity--of the--livestock--management--facility--which--is--being--served--by--the livestock-waste-handling-facility.

e) For--violations--pertaining--to--the--certified--livestock--manager requirements--the-owner-or-operator--shall--be--issued--a--warning--letter for--the--first--violation--and--shall--be--required--to--have--a--certified manager--for--the--livestock-waste-handling-facility--within--30--working days--For--failure--to--comply--with--the--warning--letter--within--the--30-day period--the-person--shall--be--fined--an--administrative--penalty--of--up--to \$500--by--the--Department--and--shall--be--required--to--enter--into--an agreement--to--have--a--certified--manager--for--the--livestock-waste-handling facility--within--30--working--days--For--failure--to--comply--with--the agreement--to--have--a--certified--manager--for--the--livestock-waste-handling facility--within--the--30--day--period--or--for--failure--to--enter--into--a compliance--agreement--the-person--shall--be--fined--up--to--\$1,000--by--the Department--and--shall--be--required--to--enter--into--an--agreement--to--have--a certified--manager--for--the--livestock-waste-handling-facility--within--30 working--days--For--continued--failure--to--comply--the-Department--may issue--an--operational--cease--and--desist--order--until--compliance--is attained--{510-IBGS-77/30(g)}--the-cease--and--desist--order--shall--be canceled--by--the-Department--upon--presentation--to--the-Department--of--a valid--certified--livestock--manager--certificate--issued--in--the--name--of the-owner-operator--or--current-employee--of--the--livestock-facility.

(Source: Repealed at 25 Ill. Reg. 1488, effective 12/1/2001)

SUBPART E: PENALTIES

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Section 506.501 General (Repealed)

the--penalties--for--violations--of--the--Livestock-Management-Facilities-Act--{510 IBGS-77}--and--this--Part--shall--be--those--as--identified--in--the--Livestock-Management Facilities-Act--and--further--described--in--this--Part--and--Subpart--{510-IBGS-77}--and--written--notices--from--the--Department--shall--be--sent--via--certified--mail--to--the livestock-facility-owner--or--operator.

(Source: Repealed at 25 Ill. Reg. 1488, effective 12/1/2001)

SUBPART F: FINANCIAL RESPONSIBILITY

Section 506.601 Scope, Applicability, and Definitions (Repealed)

a) This-Subpart--provides--procedures--by--which--the--owner--of--a--new--or modified--livestock--waste--lagoon--registered--under--the--Livestock Management--Facilities--Act--provides--evidence--of--financial responsibility--satisfying--the--requirements--of--Section-17--of--the Livestock-Management-Facilities-Act.

b) Owners--of--lagoons--must--comply--with--the--financial-responsibility requirements--of--this--Part--either:

1) on-or-before-June-17-1997--or

2) before--the--lagoon--is--placed--in--service.

c) For-the-purposes--of--this--Subpart--the--following--terms--have--the following-meanings:

1) "financial institution" means:

A) An--insurer--providing--commercial--or--private--insurance--to evidence--financial--responsibility--for--lagoon--closure--in accordance--with--Section-506-610--of--this-Part.

B) A--guarantor--providing--a--guarantee--as--evidence--of--financial responsibility--for--lagoon--closure--in--accordance--with--Section 506-611--of--this-Part.

C) The--issuer--of--a--surety--bond--as--evidence--of--financial responsibility--for--lagoon--closure--in--accordance--with--Section 506-612--of--this-Part.

D) The--issuer--of--a--letter--of--credit--as--evidence--of--financial responsibility--for--lagoon--closure--in--accordance--with--Section 506-613--of--this-Part--or

E) The--livestock--waste--lagoon--closure--fund--managed--by--the Illinois-Farm-Development-Authority--that--evidences--financial responsibility--for--lagoon--closure--in--accordance--with--Section 506-615--of--this-Part.

2) "level--of--surety" means--the--level--calculated--in--accordance--with Section-506-603--of--this-Part--at--which--evidence--of--financial responsibility--must--be--provided.

3) "Surety--instrument" means--any--of--the--devices--listed--in--Section 506-602--of--this-Part--by--which--a--lagoon--owner--evidences--financial

responsibility--for--lagoon-closure--Unless-the-context-requires
otherwise--surety-instrument--includes-a-combination-of--surety
instruments.
(Source: Repealed at 25 Ill. Reg. 14883, effective
Nov 15 2006)

Section 506.602 Mechanisms for Providing Evidence of Financial Responsibility
(Repealed)

- a) Financial--responsibility--may--be-evidenced-by-any-combination-of-the
following:
1) Commercial-or-private-insurance;
2) Guarantee;
3) Surety-bond;
4) Letter-of-credit;
5) Certificate-of-deposit-or-designated-savings-account; or
6) Participation-in-a-livestock-waste-lagoon-closure-fund-managed-by
the-Illinois-Farm-Development-Authority. [510-IBES-77/17]
b) The-lagoon-owner-must-provide-continuous-coverage-from-the-time--the
lagoon--is--placed-in-service-until-such-time-as-the-owner-is-released
from-the-financial-responsibility--requirements--pursuant-to--Section
506-605(a)--of--this--Part--The-initial-term-of-any-surety-instrument
(other-than-a-certificate-of-deposit-or-designated-savings-account)
utilized--to--fulfill--the--requirements-of-this-Part-must-be-at-least
three-years--At-least-two-years-prior-to-the-expiration-date-of--such
instrument--the-owner-must-provide-the-Department-with-proof-that-the
term-of-coverage-has-been-extended-for-at-least-one-additional-year.
c) Upon-a-change-in-the-ownership-of-a-livestock-management-facility--or
livestock--waste--handling-facility-involving-a-lagoon--that-is-subject
to-the-financial-responsibility-requirements-of-this-Subpart--the-new
owner-must-establish-and-maintain-evidence-of-financial-responsibility
at-the-same-level-of-surety-as-the-previous-owner.
d) The-lagoon-owner-must--ensure--that-the-terms-and-conditions-of-the
surety-instrument(s) listed-in-subsection-(a)--of--this--Section--upon
which--the-owner--relies--are-legally-valid-binding-and-enforceable
under-State-and-federal-law.
(Source: Repealed at 25 Ill. Reg. 14883, effective
Nov 15 2006)

Section 506.603 Level of Surety (Repealed)

- a) The-level-of-surety-is-determined-by-the-following-formula:
Level-of-Surety--=(V-x-EP)--BG
where:
b) The-cost-factor-is-obtained-from-the-following:
1) Until-December-31-2002--the-cost-factor-is-10¢-per-cubic-foot-of
lagoon-volume;
2) From-January-1-2003-through-December-31-2007--the-cost-factor
is-12¢-per-cubic-foot-of-lagoon-volume;
3) After-January-1-2008--the-cost-factor-is-15¢-per-cubic-foot-of
lagoon-volume;
c) The-engineering-contingency-is-equal-to-10%--of--(V-x-EP).
(Source: Repealed at 25 Ill. Reg. 14883, effective
Nov 15 2006)

Section 506.604 Upgrading Surety Instrument (Repealed)

- a) The-owner-of--a--lagoon--must-increase-the-total-amount-of-surety-in
place-so-as-to-equal-the-level-of-surety-as-calculated-within-90--days
after:
1) a-modification--resulting--in--an--increase-in-the-volume-of-the
lagoon--or
2) an-increase-in-the-cost-factor-under-Section-506-603(b)--of--this
Part.
b) If--modification--of--a--lagoon--results--in--a-decrease-in-volumetric
capacity--the-owner--or--operator--may--provide--the--Department--with
documentation--of--the--reduction-in-volumetric-capacity--and--request-a
recalculation-of-the-level-of-surety--Within-90-days-after-a-request
by--the-owner--or--operator--under--this-subsection--the-Department-must
either:
1) release--any--surety--amount--above--the--level--of--surety--as
recalculated-based-upon--the-owner's--documentation--of--reduction--of
volumetric-capacity--or
2) conduct--an--inspection--and--determine--the--amount--by--which
volumetric-capacity--has--been--decreased.
c) If-the-Department-conducts-an-inspection-under--subsection--(b)--then
the--Department--must--release--any--surety--amount--above--the-level-of
surety-as-recalculated-based-upon--the-results-of-the-inspection.
(Source: Repealed at 25 Ill. Reg. 14883, effective
Nov 15 2006)

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Section 506.605 Release of Lagoon Owner and Financial Institution (Repealed)

- a) The Department must release a lagoon owner from the requirements of this Subpart when:
- 1) The lagoon has been properly closed and a notification of closure completion pursuant to Section 506.209 of this Part has been issued to the lagoon owner by the Department; or
 - 2) A waiver has been granted by the Department to the lagoon owner allowing the lagoon to be used for an alternative purpose or title of the property containing the lagoon has been transferred to a new owner and the new owner has posted financial assurance as required under Section 506.602(c) of this Part;
- b) The Department must release a financial institution when:
- 1) A lagoon owner offers an authorized alternative surety that meets the requirements of Section 506.607(c) of this Part; or
 - 2) The Department releases the lagoon owner from the requirements of this Subpart under subsection (a) of this Section;
- c) The Department must notify the lagoon owner and financial institution in writing within 60 days after a release under this Section; if a release is based upon proper closure of a lagoon, notification under this subsection should occur at the same time as notice of proper closure under Section 506.209(a)(4).

(Source: Repealed at 25 Ill. Reg. 14 3 8 3 effective 4/1/2001)

Section 506.606 Financial Responsibility Proceeds (Repealed)

- a) A financial institution issuing a surety instrument evidencing financial responsibility for closure of a livestock waste lagoon becomes liable on the surety instrument when a lagoon is removed from service and:
- 1) The owner fails to submit the lagoon closure plan required by Section 506.209 of this Part and:
 - A) cannot be found; or
 - B) fails to cure such failure within 30 days after notice from the Department;
 - 2) The owner fails to obtain Department approval of a lagoon closure plan within eight months after the date that the lagoon is removed from service, unless the lagoon is maintained or serviced; or
 - 3) The owner fails to comply with an approved lagoon closure plan and:
 - A) cannot be found; or
 - B) fails to cure such noncompliance within 30 days after notice from the Department;
- b) The Department must provide notice to the financial institution providing surety for the lagoon:

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- 1) when it determines that the lagoon has been removed from service; and
 - 2) when it determines that one of the criteria for liability set forth in subsection (a) of this Section has been met.
- c) Within 30 days after notice of liability from the Department, the financial institution must either assume liability for closure of the lagoon and notify the Department of its election to assume liability, or deposit the amount for which it is liable in connection with the lagoon into an account from which the Department is authorized to disburse funds for the purpose of closing the lagoon.
- 1) If the financial institution assumes liability for closure of the lagoon, it must submit a lagoon closure plan that meets the requirements of Section 506.209 of this Part within 60 days after notifying the Department of its election. Notwithstanding the financial institution's assumption of liability for closure of the lagoon, the Department may require the financial institution to deposit funds up to the amount for which the financial institution is liable under the surety instrument into an account from which the Department is authorized to disburse funds for the purpose of closing the lagoon if:
 - A) the financial institution does not submit the lagoon closure plan as required and fails to cure such omission within 30 days after notice from the Department;
 - B) the financial institution fails to obtain Department approval of a lagoon closure plan within eight months after the date that it elects to assume liability for closure of the lagoon, unless the lagoon is maintained or serviced; or
 - C) the financial institution fails to comply with an approved lagoon closure plan and fails to cure such noncompliance within 30 days after notice from the Department.
 - 2) A financial institution that assumes liability for closure of a lagoon under this Section remains liable for the full amount of the surety instrument until the Department issues written notification of completion of closure in accordance with Section 506.209, notwithstanding the expiration of the instrument utilized to evidence financial responsibility by the owner.
 - 3) Any amounts that a financial institution may expend for service or maintenance of the lagoon pending closure or for partial closure of the lagoon do not reduce the amount of the financial institution's obligation under this subsection (c).
 - 4) If the financial institution elects, or is required under subsection (c)(1) of this Section to deposit the funds required by the Department into an account from which the Department is authorized to disburse funds for the purpose of closing the lagoon, then the Department shall close the lagoon within the time frame established under Section 15(e) of the BMPA or as soon as practicable to the extent possible utilizing the funds deposited by the financial institution. The Department may use

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- any interest earned on deposited funds to close the lagoon. The Department must release any funds remaining in the account including any remaining interest earned on funds in the account to the financial institution upon completion of closure.
- d) The Department may sue in any court of competent jurisdiction to enforce its rights under any surety instrument.

(Source: Repealed at 25 Ill. Reg. 14938.3.3, effective 4/1/74.)

Section 506.607 Use of Multiple Surety Instruments (Repealed)

- a) The lagoon owner may use any combination of the surety instruments listed in Section 17 of the Livestock Management Facilities Act (610 ILCS 77/17) and this Subpart to evidence the required level of financial responsibility.
- b) A lagoon owner is not limited to maintaining financial responsibility with the original surety instrument or combination of instruments. The owner must notify the Department before making any change in surety instruments.
- c) If a lagoon owner makes any change in surety instruments, the lagoon owner must maintain the total financial responsibility for the lagoon at a level not less (without counting the amounts to be released) than the level of surety.
- d) A replacement surety instrument or instruments must provide evidence of financial responsibility for a period at least equal to the existing instrument or instruments. This provision does not relieve an owner of the obligation under Section 506.602(b) to provide proof at least two years prior to expiration of a surety instrument that the term for which financial responsibility has been demonstrated has been extended for at least an additional year.

(Source: Repealed at 25 Ill. Reg. 14938.3.3, effective 4/1/74.)

Section 506.608 Use of a Single Surety Instrument for Multiple Lagoons (Repealed)

- a) An owner may use a surety instrument specified in this Subpart to provide evidence of financial responsibility for more than one lagoon. Whenever a single surety instrument is used for multiple lagoons, the owner must submit an itemization to the Department identifying all lagoons covered by the surety instrument and the amount allocated to each lagoon.
- c) The amount of funds available through the surety instrument must be no less than the sum of funds that would be available if a separate surety instrument had been established and maintained for each lagoon.
- d) In directing funds available through a single surety instrument for

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the closure of any single lagoon covered by that surety instrument, the Department shall direct only the amount of funds designated for that lagoon unless the owner agrees to allow the Department to use additional funds available under that surety instrument. Such an agreement does not affect the owner's obligation to provide evidence of financial responsibility up to the level of surety for all other lagoons.

(Source: Repealed at 25 Ill. Reg. 14938.3.3, effective 4/1/74.)

Section 506.610 Commercial or Private Insurance (Repealed)

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by obtaining closure insurance that conforms to the requirements of this Subpart and submitting an executed duplicate original of such insurance policy to the Department.
- b) The insurer must be licensed to transact the business of insurance by the Illinois Department of Insurance pursuant to the Illinois Code (215 ILCS 5).
- c) The policy must be on forms approved by the Illinois Department of Insurance.
- d) The closure insurance policy must guarantee that funds will be available to close the lagoon. The policy must also guarantee that upon a notice of liability from the Department, the insurer will be responsible for paying out funds up to an amount equal to the face amount of the policy, in accordance with Section 506.606(c) of this Part.
- e) The policy must provide that the insurer may not cancel or terminate the policy.

(Source: Repealed at 25 Ill. Reg. 14938.3.3, effective 4/1/74.)

Section 506.611 Guarantee (Repealed)

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by obtaining a guarantee that conforms to the requirements of this Subpart.
- b) A guarantor must submit a financial statement to the Department from the guarantor's most recent fiscal year.
- c) The Department will review the financial statement to determine if adequate resources exist to guarantee the closure costs and notify the lagoon owner of acceptance or denial within 30 days after receipt of the financial statement by the Department.
- d) The guarantor shall guarantee to pay the amount specified in the guarantee upon notice from the Department as provided in Section

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506-606(c)-of-this-Part-

(Source: Repealed at 25 Ill. Reg. 14383, effective 10/15/2001)

Section 506.612 Surety Bond (Repealed)

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by obtaining a surety bond that conforms to the requirements of this Subpart and submitting the bond to the Department.
- b) The surety company issuing the bond must be licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code (215 ILCS 5/1) and approved by the U.S. Department of the Treasury as an acceptable surety. Acceptable sureties are listed in Circular 570 from the U.S. Department of the Treasury.
- c) The bond must guarantee that the lagoon owner will provide lagoon closure and content removal in accordance with Section 506.209 of this Part.
- d) The surety bond must be in substantially the form specified in Appendix A7 illustration A of this Part.

(Source: Repealed at 25 Ill. Reg. 14383, effective 10/15/2001)

Section 506.613 Letter of Credit (Repealed)

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Subpart and submitting the letter to the Department.
- b) The issuing institution must be an entity that has the authority to issue letters of credit and:
- 1) whose letter of credit operations are regulated by the Illinois Commissioner of Banks and Real Estate; or
 - 2) whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- c) The letter of credit made out to the Department must be accompanied by a letter from the lagoon owner referring to the letter of credit by number, issuing institution, and date and providing the following information: name and address of the lagoon site and the amount of funds assured for closure of the lagoon by the letter of credit.
- d) The letter of credit must be substantially in the form specified in Appendix A7 illustration B of this Part.

(Source: Repealed at 25 Ill. Reg. 14383, effective 10/15/2001)

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Section 506.614 Certificate of Deposit or Designated Savings Account (Repealed)

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by designating certificate(s) of deposit or savings account(s) for use as financial responsibility.
- b) The issuing or depository financial institution must be an entity whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- c) The Department may draw on the certificate(s) of deposit or savings account(s) to pay the costs of closing a lagoon in accordance with this subsection. The Department shall close a lagoon when the lagoon is removed from service and:
- 1) The owner fails to submit the lagoon closure plan required by Section 506.209 of this Part and:
 - A) cannot be found; or
 - B) fails to cure such failure within 30 days after notice from the Department; - 2) The owner fails to obtain Department approval of a lagoon closure plan within eight months after the date that the lagoon is removed from service, unless the lagoon is maintained or serviced; or
 - 3) The owner fails to comply with an approved lagoon closure plan and:
 - A) cannot be found; or
 - B) fails to cure such noncompliance within 30 days after notice from the Department.
- d) The Director of the Department shall be listed as trustee of the certificate(s) of deposit or savings account(s) for the lagoon owner.
- e) A maturity of any certificate of deposit designated as financial responsibility for lagoon closure, the certificate shall be renewed or the proceeds deposited into a designated savings account that meets the requirements of this Section.
- f) The Department shall relinquish trusteeship of the certificate(s) of deposit or savings account(s) when:
- 1) The lagoon has been properly closed and a notification of closure completeness pursuant to Section 506.209 of this Part has been issued to the lagoon owner by the Department;
 - 2) A waiver has been granted by the Department to the lagoon owner allowing the lagoon to be used for an alternative purpose pursuant to Section 506.209 of this Part;
 - 3) Title of the property containing the lagoon has been transferred to a new owner and the new owner has posted financial assurance as required under Section 506.602(c) of this Part; or
 - 4) A lagoon owner offers an authorized alternative surety which meets the requirements of Section 506.607(c) of this Part.

(Source: Repealed at 25 Ill. Reg. 14383, effective 10/15/2001)

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90-1-276

Section 506.615 Participation in a Livestock Waste Lagoon Closure Fund
(Repealed)

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by participating in a livestock waste lagoon closure fund managed by the Illinois Farm Development Authority. An owner electing to provide evidence of financial responsibility under this Section must submit a certificate of participation in such a lagoon closure fund to the Department. The certificate of participation submitted pursuant to subsection (a) of this Section must include:
- 1) the level of surety for the lagoon;
- 2) the dollar amount of coverage provided by the lagoon closure fund;
- 3) the dates for which coverage is provided; and
- 4) a financial statement of the lagoon closure fund establishing the lagoon closure fund's compliance with the requirements of this Section.
- c) The lagoon closure fund must maintain minimum reserves equal to the greater of:
- 1) the level of surety of the largest lagoon covered by the lagoon closure fund; or
- 2) twice the average level of surety of lagoons covered by the fund.
- d) The lagoon closure fund must guarantee that funds will be available to close the lagoon. Upon a notice of liability from the Department, the lagoon closure fund must comply with the requirements of Section 506.606(c) of this Part.
- e) If the reserves of the lagoon closure fund are reduced to less than the minimum amount required under subsection (b) due to expenditures of funds in order to comply with Section 506.606(c), then within 120 days after such reduction the lagoon closure fund must demonstrate to the Department that the minimum reserve level has been restored.
- f) The lagoon closure fund may not cancel or terminate coverage prior to the date set forth in the certification pursuant to subsection (b)(3) of this Section.

(Source: Repealed at 25 Ill. Reg. 14-08-94, effective 9/1/96)

Section 506.620 Penalties (Repealed)

The Department may order a lagoon removed from service if the owner fails to provide evidence of financial responsibility to the Department or fails to maintain financial responsibility in the amount required pursuant to Section 506.603 of this Subpart.

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(Source: Repealed at 25 Ill. Reg. 14-08-94, effective 9/1/96)

SUBPART G: SETBACKS

Section 506.701 Applicability (Repealed)

- a) All new livestock management or livestock waste handling facilities shall comply with the setback distances as established in Section 35 of the Livestock Management Facilities Act (510-IBGS-77/35) and with the provisions of this Subpart.
- b) Commencement of operations at a facility reconstructed within two years after partial or total destruction due to natural causes such as tornado, fire, flood, or earthquake shall not be considered the location of a new livestock management or waste handling facility for setback purposes. Likewise, a residence partially or totally destroyed due to natural causes such as tornado, fire, flood, or earthquake shall retain its original setback for a period of no greater than two years to allow for reconstruction of the residence.

(Source: Repealed at 25 Ill. Reg. 14-08-94, effective 9/1/96)

Section 506.702 Procedures (Repealed)

- a) Grandfather provision: Facilities in existence prior to July 15, 1991, livestock management facilities and livestock waste handling facilities in existence prior to July 15, 1991, shall comply with setbacks in existence prior to July 15, 1991, as set forth in the Illinois Environmental Protection Act and 35-III-Adm-Code-501-402. (510-IBGS-77/35(a))
- b) Grandfather provision: Facilities in existence on effective date and after July 15, 1991, livestock management facilities and livestock waste handling facilities in existence on May 21, 1996 (the effective date of the Livestock Management Facilities Act) but after July 15, 1991, shall comply with setbacks in existence prior to May 21, 1996 as set forth in the Illinois Environmental Protection Act and 35-III-Adm-Code-501-402. (510-IBGS-77/35(b))
- c) New livestock management or livestock waste handling facilities: Any new facility shall comply with the following setbacks: (510-IBGS-77/35(c))
- 1) Residence and Non-Farm Residence: For purposes of determining setback distances, minimum distances shall be measured from the nearest corner of the residence to the nearest corner of the earthen waste lagoon or livestock management facility, whichever is closer.
- 2) Common Place of Assembly or Non-Farm Business: For the purposes of determining setback distances between a common place of

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assembly-or-non-farm-business:

A) When the primary activity at a common place of assembly or non-farm business is an outdoor activity, minimum distances shall be measured from the nearest corner of the earthen waste lagoon or livestock management facility to the nearest point on the legal property line of the common place of assembly or non-farm business.

B) When the primary activity at a common place of assembly or non-farm business is not an outdoor activity and is an indoor activity, minimum distances shall be measured from the nearest corner of the earthen waste lagoon or livestock management facility to the nearest corner of the structure where the indoor activity takes place.

3) A livestock management facility or livestock waste handling facility serving less than 50 animal units shall be exempt from setback distances as set forth in the Livestock Management Facilities Act but shall be subject to rules promulgated under the Illinois Environmental Protection Act.

4) For a livestock management facility or waste handling facility serving 50 or greater but less than 1,000 animal units, the minimum setback shall be 1/4 mile from the nearest occupied non-farm residence and 1/2 mile from the nearest populated area.

5) For a livestock management facility or livestock waste handling facility serving 1,000 or greater but less than 7,000 animal units, the setback is as follows:

A) For a populated area, the minimum setback shall be increased 440 feet over the minimum setback of 1/2 mile for each additional 1,000 animal units over 1,000 animal units.

B) For any occupied residence, the minimum setback shall be increased 220 feet over the minimum setback of 1/4 mile for each additional 1,000 animal units over 1,000 animal units.

6) For a livestock management facility or livestock waste handling facility serving 7,000 or greater animal units, the setback is as follows:

A) For a populated area, the minimum setback shall be 1 mile.

B) For any occupied residence, the minimum setback shall be 1/2 mile.

d) Requirements governing the location of new livestock management facility and new livestock waste handling facility and conditions for exemptions or compliance with the maximum feasible location as provided in 35 Ill. Adm. Code 501-402 concerning agriculture related pollution shall apply to those facilities identified in subsections (b) and (c) of this Section. With regard to the maximum feasible location requirements, any reference to a setback distance in 35 Ill. Adm. Code 501-402 shall mean the appropriate distance as set forth in this Section. 510-IBES-77/35(d)

e) Setback category shall be determined by the design capacity in animal units of the livestock management facility. 510-IBES-77/35(e)

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f) Setbacks may be decreased when innovative designs as approved by the Department are incorporated into the facility. 510-IBES-77/35(f)

1) An owner or operator shall request a setback decrease in writing prior to construction.

2) An owner or operator shall attach to the request for decrease a certification by a licensed Professional Engineer that in the professional judgment of the licensed Professional Engineer the innovative designs incorporated into the facility will provide more odor protection than the original setbacks.

3) The Department shall notify the owner or operator of its determination within 30 days after the receipt of the request for decrease. In approving a reduction in setbacks, the Department shall specifically find that such use of design, the Department shall provide more odor protection than the original setbacks.

4) Where the Department grants such a decrease from the setbacks, the Department must maintain a file which includes all supporting data and justification which it relied upon in making its determination. This file is subject to public inspection.

g) A setback may be decreased when waivers are obtained from owners of residences that are occupied and located in the setback area. 510-IBES-77/35(g)

A setback also may be decreased when waivers are obtained from owners of non-farm businesses or common places of assembly that are located in the setback area.

1) An owner or operator request for a setback decrease shall be in writing and submitted to the Department prior to construction.

2) An owner or operator shall attach to the request copies of the written and notarized waivers from all the owner(s) of the residence(s), non-farm business(es), and common place(s) of assembly that are located within the setback area.

3) Within 30 days after receipt of the request and waivers, the Department shall notify the owner or operator in writing of the setback decrease.

4) When such a decrease from the setbacks is requested, the Department must maintain a file which includes all supporting data and justification concerning the setback decrease. This file is subject to public inspection.

(Source: Repealed at 25 Ill. Reg. _____, effective _____)

510-IBES-77/35

Section 506.703 Initial Determination of Setbacks (Repealed)

the requirements of this Section do not apply to new livestock management facilities or new livestock waste handling facilities serving less than 50 animal units.

a) An owner or operator shall file a notice of intent to construct which meets the informational requirements of subsection (b) of this Section.

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- b) for a new livestock management facility or new livestock waste handling facility with the Department prior to construction to establish an initial determination of setbacks.
- b) The notice of intent to construct shall contain a legal description of the land on which the livestock facility will be constructed, the names and addresses of the owners or operator(s) of the facility, the type and size of the facility and number of animal units, the names and addresses of the owner(s) including locally, State and federal governments, of the property located within the setback area, the distance to the nearest populated area, residence, non-farm business, and common place of assembly, a map or sketch showing the proposed facility and setbacks, and a statement identifying whether a request for decrease in setbacks pursuant to Section 506.702(f) or (g) has been sought and whether the request has been granted or denied yet.
- c) The owner or operator shall mail by certified mail the notice of intent to construct to the owner(s) of the property located within the setback distances, the owner(s) of the property located within the setback distances are presumed unless established to the contrary, to be person shown by the current collector's warrant book to be the party in whose name the taxes were last assessed.
- d) Within 30 days after receipt of the notice to construct, the Department shall notify the owner or operator in writing whether the setback distances have been met.
- e) The date the notice of intent to construct is filed with the Department establishes the base date for the determination of whether residences, non-farm businesses, or common places of assembly exist for setback purposes and shall remain the base date if construction begins within one year following receipt of the Department's determination or if a lagoon registration form is filed with the Department within one year after receipt of the Department's determination of compliance with the setback distances.
- f) If the Department determines that the owner or operator has complied with the setback requirements, later constructed or erected residences, non-farm businesses, or common places of assembly cannot operate to alter the setback as initially determined, subject to the limitation in subsection (e) of this Section.
- g) Where an intent to construct has been filed, the Department must maintain a file which includes all filings and supporting data and justification which it relied upon in making its determination regarding compliance with the setback distances. This file is subject to public inspection.

(Source: Repealed at 25 Ill. Reg. 14.3.8, effective 4/15/2001)

Section 506.704 Penalties (Repealed)

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- a) For violations of the setback distance requirements, the Department may issue one of the following to the owner or operator of the livestock management facility or livestock waste handling facility:
- 1) If during construction a cease and desist order which prohibits further construction of the livestock management facility or livestock waste handling facility, prohibits entry of livestock into the livestock management facility, and prohibits use of the livestock waste handling facility, or
- 2) An operational cease and desist order.
- b) A cease and desist order issued by the Department pursuant to subsection (a) of this Section shall be canceled by the Department pursuant to the following:
- 1) Submission to the Department of a valid waiver as provided for in Section 506.702(g) of this Subpart by the livestock management facility owner or operator, or the livestock waste handling facility owner or operator, or
- 2) Verification by the Department of compliance with the appropriate setback distances as described in Section 35 of the Livestock Management Facilities Act (510-IACS-77735).

(Source: Repealed at 25 Ill. Reg. 14.3.8, effective 4/15/2001)

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NOTICE OF ADOPTED AMENDMENTS
Section 506.APPENDIX A Surety Instruments (Repealed)
Section 506.ILLUSTRATION A Surety Bond (Repealed)

SURETY BOND

Date bond executed:-----
Effective date:-----
Principal:-----
Type of organization:-----
State of incorporation:-----
Surety:-----
Sites:-----
Name:-----
Address:-----
City:-----
Amount guaranteed by this bond:-----
Name:-----
Address:-----
City:-----
Amount guaranteed by this bond:--\$-----
Please attach a separate page if more space is needed for all sites.
Total penal sum of bond:--\$-----
Surety's bond number:-----

The Principal and the Surety promise to pay the Illinois Department of Agriculture ("Department") the above penal sum unless the Principal provides closure for each site in accordance with 510 ILCS 77/15(e) and 35 Ill. Adm. Code 506.209. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

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Whereas the Principal is required under Section 15(b) of the Livestock Management Facilities Act ("BMPA") to register at least one livestock waste lagoon with the Department; and
Whereas the Principal is required under Section 17 of the BMPA to evidence financial responsibility for closure of each registered lagoon; and
Whereas the Surety is licensed by the Illinois Department of Insurance; and
Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;
The Surety shall pay the penal sum to the Department if, during the term of the bond, the Department issues a notice of liability to the Surety.
The Surety shall pay the penal sum of the bond to the Department within 30 days after the Department mails the notice of liability to the Surety unless the Surety assumes responsibility to provide closure and so notifies the Department. Payment shall be made by deposit of funds into a designated account upon which the Department is authorized to draw.
The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum. If the Surety assumes responsibility to provide closure, expenditures made by the Surety for that purpose may exceed the amount of the penal sum but the amount of the Surety's obligation under this bond is not affected.

This bond shall expire on the ---- day of ----, 7 ----.
The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the Department.
In Witness Whereof, the Principal and Surety have executed this Surety Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

PRINCIPAL

Signature Name-----
Typed Name-----
Address-----

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Title-----
State-of-incorporation-----
Date-----
Corporate-seal-----

CORPORATE-SURETY
Signature-----
Typed-Name-----
Title-----
Corporate-seal-----
Bond-premium:--\$-----

(Source: Repealed at 25 Ill. Reg. _____, effective
NOV 15 1961)

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Section 506. ILLUSTRATION B Irrevocable Standby Letter of Credit (Repealed)

IRREVOCABLE-STANDBY-BETTER-OF-CREDIT

Director
Illinois-Department-of-Agriculture
P.O.-Box-19281
Springfield-IL-62794-9281

Dear-Sir-or-Madam:

We-have-authority-to-issue-letters-of-credit---Our-letters-of-credit-operations
are-regulated-by-the-Illinois-Commissioner-of-Banks-and-Real-Estate-or-our
deposits-are-insured-by-the-Federal-Deposit-Insurance-Corporation-or-the
Federal-Savings-and-Loan-Insurance-Corporation-(omit-language-that-does-not
apply-)

We-hereby-establish-our-irrevocable-standby-better-of-credit-No-----in
your-favor-at-the-request-and-for-the-account-of-----up-to-the-aggregate
amount-of-U-S-dollars-(\$-----)-available-upon-presentation-of:

1: -----your-sight-draft-bearing-reference-to-this-letter-of-credit
No-----, and

2: -----your-signed-statement-reading-as-follows: "I-certify-that-the
amount-of-the-draft-is-payable-pursuant-to-regulations-issued-under
authority-of-the-Hi-vestock-Management-Facilities-Act-(510-IBES-77)-and-25
Ill-Adm-Code-506-606(a)-or-506-606(c)."

This-letter-of-credit-is-effective-as-of-----and-shall-expire-on-----.

Whenever-this-letter-of-credit-is-drawn-on-under-and-in-compliance-with-the
terms-of-this-credit-we-shall-duly-honor-such-draft-upon-presentation-to-us,
and-we-shall-deposit-the-amount-of-draft-directly-into-a-designated-account-in
accordance-with-your-instructions.

This-letter-of-credit-is-governed-by-the-Uniform-Commercial-Code-(010-IBES-5)-

Signature-----
Typed-Name-----
Title-----
Date-----
Name-and-address-of-issuing-institution-----
This-credit-is-subject-to-----

(Source: Repealed at 25 Ill. Reg. _____, effective
NOV 15 1961)

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- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: Adopted Action:
153.125 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendment: November 1, 2001
- 6) Does this amendment contain an automatic repeal date? NO
- 7) Does this amendment contain incorporations by reference? NO
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 13, 2001 (25 Ill. Reg. 8755)
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences Between Proposal and Final Version: There are no substantive differences between the proposed amendment and the final version of the text.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: This amendment concerning long term care services provides reimbursement increases for nursing facilities (SNF/ICF), intermediate care facilities for persons with developmental disabilities (ICF/MR), skilled nursing facilities for persons under the age of 22 years (ICF/MR-SNF/Ped), and developmental training agencies.

For nursing facilities, rates shall be computed according to the most recent cost reports up to April 1, 2000, and updated for inflation to January 1, 2001. The rates effective on July 1, 2001, shall be the greater of the rate computed for July 1, 2001, or the rate in effect on June 30, 2001. Other adopted changes concerning building value, real

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estate taxes, wages and capital and support rates are being made in coordination with these rate changes.

For ICF/MR certified facilities, including ICF/DD and SNF/Ped licensed facilities, an increase in rates for residential services shall be equal to a statewide average of 7.85 percent. Residential rates taking effect on March 1, 2001, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component. These two rate components shall be adjusted by the Department of Human Services' geographical area adjuster.

For developmental training agencies, rates taking effect on March 1, 2001, shall be increased by 9.05 percent and adjusted according to the DHS geographical area adjuster.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF PUBLIC AID
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section
153.100 Reimbursement for Long Term Care Services
153.125 Long Term Care Facility Rate Adjustments
153.150 Quality Assurance Review (Repealed)

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14352, effective January 1, 1997.

Section 153.125 Long Term Care Facility Rate Adjustments

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing

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facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.

- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:

- 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
- 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
- 3) an increase of \$10.02 per person, per month for developmental training rates.

- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.

- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.

- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, and each subsequent year thereafter, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.

- 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.

- 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.

- 3) Wages shall be calculated according to 89 Ill. Adm. Code 147.150, except that wages will be updated for inflation to January 1, 2001.

- 4) Capital and support rates in effect on July 1, 2001, shall be adjusted based on audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.

- 5) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001, or the rate effective on June 30, 2001.

- 6) All accounting records or other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.

- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental

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disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).

h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.

(Source: Amended at 25 Ill. Reg. 144.500, effective 1/1/2001)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.11 Amendment
140.445 Amendment
140.447 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: November 1, 2001
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 29, 2001 (25 Ill. Reg. 7808) and July 6, 2001 (25 Ill. Reg. 8098)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences Between Proposal and Final Version: The 2 proposed rulemakings listed in #9 above were combined into this one rulemaking for the purpose of adoption. No substantive changes were made in either rulemaking during 1st or 2nd Notice.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.462	Amendment	November 9, 2001; 25 Ill. Reg. 14279
140.463	Amendment	November 9, 2001; 25 Ill. Reg. 14279
140.466	Amendment	November 9, 2001; 25 Ill. Reg. 14279
140.490	Amendment	October 5, 2001; 25 Ill. Reg. 12356
140.491	Amendment	October 5, 2001; 25 Ill. Reg. 12356
140.492	Amendment	October 5, 2001; 25 Ill. Reg. 12356
140.493	Amendment	October 5, 2001; 25 Ill. Reg. 12356

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140.494	Amendment	October 5, 2001; 25 Ill. Reg. 12356
140.513	Amendment	August 24, 2001; 25 Ill. Reg. 10672
140.523	Amendment	November 2, 2001; 25 Ill. Reg. 14024

15) Summary and Purpose of Amendments:Section 140.11

These amendments address the enrollment of medical providers in the Department's Medical Assistance Program. The amendments provide clarifications, that for corporate provider entities such as pharmacies and nursing facilities, participation approval is not transferable and enrollment applies only to the entity's existing ownership, corporate structure and location. However, the amendments specify that except for children's hospitals, which must be separately enrolled when affiliated with a general care hospital, hospitals that are certified under a single Medicare number are enrolled as an individual entity in the Medical Assistance Program. For instance, if two hospitals at two separate locations enter into a merger agreement including certification under a single Medicare number, the merged hospitals are enrolled as an individual entity in the Medical Assistance Program.

Section 140.445 and 140.447

These amendments concerning pharmacy services provide reimbursement increases for generic and brand name prescription drugs. The changes eliminate the utilization of wholesale acquisition cost as a factor and modify the percentage adjustment to the average wholesale price in methodologies regarding determination of the Department's maximum price for prescription drugs. Other changes will result in a dispensing fee of \$4.00 for brand name drugs and \$5.10 for generic drugs. These amendments are expected to result in the restoration of approximately \$22 million to the Department's pharmacy program.

16) Information and questions regarding these adopted amendments shall be directed to:

Joanne Jones
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
- 140.20 Submittal of Claims
- 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
- 140.22 Magnetic Tape Billings (Repealed)
- 140.23 Payment of Claims
- 140.24 Payment Procedures
- 140.25 Overpayment or Underpayment of Claims
- 140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 140.72 Voucher Advance Payment and Expedited Payments
 140.73 Drug Manual (Recodified)
 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation On Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services

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140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Clinical Laboratory Services
140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
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140.435	Nurse Services
140.436	Limitations on Nurse Services
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140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
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140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
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140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
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140.503	Cessation of Payment for Improper Level of Care
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140.506	Provider Voluntary Withdrawal
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140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
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140.860	Sponsor Qualifications (Repealed)
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140.885	Provider Responsibilities (Repealed)
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140.896	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)

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140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
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140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
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140.911	Basic Rehabilitation Aide Training Program (Recodified)
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140.920	General Description
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SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT

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140.952	Closing an ICARE Area (Recodified)
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140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
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140.964	Contract Monitoring (Recodified)
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140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)

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140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
TABLE A	Medichek Recommended Screening Procedures (Repealed)
TABLE B	Geographic Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
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TABLE K	Services Qualifying for 10% Add-On (Repealed)
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TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-1.3 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill.

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for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17

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Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10252, effective September 5, 1995; amended at 19 Ill. Reg. 1440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a

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maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days, emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957, effective NOV - 1 2001.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.11 Enrollment Conditions for Medical Providers

- a) In order to enroll for participation, providers shall:
- 1) Hold a valid, appropriate license where State law requires licensure of medical practitioners, agencies, institutions and other medical vendors;
 - 2) Be certified for participation in the Title XVIII Medicare program where federal or State rules and regulations require such certification for Title XIX participation;
 - 3) Be certified for Title XIX when federal or State rules and regulations so require;
 - 4) Provide enrollment information to the Department in the prescribed format, and notify the Department, in writing, immediately whenever there is a change in any such information which the provider has previously submitted;
 - 5) Provide disclosure, as requested by the Department, of all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business, enterprises, joint ventures, agencies, institutions or other legal entities providing any form of health care services to public aid recipients; and
 - 6) Have a written provider agreement on file with the Department.
- b) Approval of a corporate entity such as a ~~hospital~~ pharmacy,

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laboratory, durable medical equipment and supplies provider, medical transportation provider, nursing home or renal satellite facility ~~etc.~~, as a participant in the Medical Assistance Program, applies only to the entity's existing ownership, corporate structure and location; therefore, participation approval is not transferable.

- c) Except for children's hospitals described at 89 Ill. Adm. Code 149.50(c)(3), hospitals providing inpatient care that are certified under a single Medicare number shall be enrolled as an individual entity in the Medical Assistance Program. A children's hospital must be separately enrolled from the general care hospital with which it is affiliated.
- d) Upon notification from the Illinois Health Facilities Planning Board that an exception for a change of ownership has been granted, the Department shall notify the prospective buyer of its obligation under Section 140.12(k) to assume liability for repayment to the Department for overpayments made to the current owner or operator. Such notification shall inform the prospective buyer of all outstanding known liabilities due to the Department by the facility and of any known pending Department actions against the facility that may result in further liability. For long term care providers, when there is a change of ownership of a facility or a facility is leased to a new operator, the provider agreement shall be automatically assigned to the new owner or lessee. Such assigned agreement shall be subject to all conditions under which it was originally issued, including, but not limited to, any existing plans of correction, all requirements of participation as set forth in Section 140.12 or additional requirements imposed by the Department.

(Source: ~~Amended 1 2001~~ at 25 Ill. Reg. 14957, effective NOV - 1 2001.)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.445 Legend Prescription Items (Not Compounded)

For legend (prescription) drugs, the Department shall pay the lower of:

- a) the pharmacy's prevailing charge to the general public; or
- b) the Department's maximum price plus the established dispensing fee of \$5.10 for generic drugs and \$4.00 for brand name drugs.
 - 1) For generic drugs, the Department's maximum price is calculated as the lowest of:
 - A) the average wholesale price minus 20 1/2 percent; or
 - B) the Federal Upper Limit for drugs that have been evaluated as therapeutically equivalent in the Food and Drug Administration's publication entitled Approved Drug Products with Therapeutic Equivalence Evaluations; or
 - C) the State Upper Limit for drugs listed in the Illinois Formulary for the Drug Product Selection Program and not

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having an established Federal Upper Limit at the time of listing; or

- D) the average wholesale price for drugs where that price is based upon the actual market wholesale price--~~or--B)--the wholesale-acquisition-cost-plus-12-percent.~~

- 2) For brand name drugs, the Department's maximum price is calculated as the lower ~~lowest~~ of:

- A) the average wholesale price minus 11 ~~ten~~ percent; or
B) the average wholesale price for drugs where that price is based upon the actual market wholesale price--~~or--C)--the wholesale-acquisition-cost-plus-8-percent.~~

(Source: Amended at 25 Ill. Reg. 14957, effective 4/1/2001)

Section 140.447 Reimbursement

- a) The calculation of average wholesale price and--~~wholesale--acquisition cost~~ in the determination of the Department's maximum price (Section 140.445(b)) is made using the standard package size.

- b) If a pharmacy gives discounts to the general public, it must provide the same to Public Aid recipients. If discounts are allowed only to a specific group of people, they shall be extended to a recipient if he or she is a member of the special discount group. Public Aid recipients can constitute a special group and receive a discount, but they cannot be excluded from a discount group just because they are recipients.

- c) The Department will require pharmacies to complete hard copy (paper) claim forms for pharmacy services and attach a Prescribing Practitioner Name Identification Form. A separate hard copy (paper) claim form and Practitioner Name Identification Form is to be required for each recipient and prescribing practitioner.

- d) The Department will authorize an exception for pharmacies, to the requirements of subsection (c) of this Section, by allowing pharmacy claims to be submitted with the prescribing practitioner's DEA number, Department Medical Assistance Program participating provider identification number or Social Security Number.

(Source: Amended at 25 Ill. Reg. 14957, effective 4/1/2001)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Certification of Individuals to Perform Industrial Radiography

- 2) Code Citation: 32 Ill. Adm. Code 405

- 3) Section Number: Emergency Action:
405.60 Amendment
405.120 Amendment

- 4) Statutory Authority: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

- 5) Effective Date of Amendments: October 30, 2001

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire when the proposed amendment is adopted.

- 7) Date Filed with the Index Department: October 30, 2001

- 8) A copy of this adopted emergency amendment, including any material incorporated by reference, is on file at the Department's headquarters located at 1035 Outer Park Drive, Springfield, Illinois and is available for public inspection.

- 9) Reason for the Emergency: The Department of Nuclear Safety is amending this Part to provide more opportunity for individuals to become certified in Illinois to perform industrial radiography. Certification in industrial radiography is necessary for not only the safety of the radiographers but also for the safety of the public.

- 10) A Complete Description of the Subjects and Issues Involved: The Department is adopting this emergency amendment to accept alternative examinations that are found to be acceptable by the Conference of Radiation Control Program Directors to qualified candidates applying for certification as industrial radiographers. In addition, the Department is extending its reciprocity procedures to accept the American Society of Nondestructive Testing (ASNT) standards in issuing certifications to an applicant certified by the ASNT.

The Department's action should not be understood as a desire to limit or preclude public comment. Elsewhere in this issue of the Illinois Register, the Department is proposing, for public comment, a general rulemaking that covers the topics and text included in the emergency rule.

- 11) Are there any proposed amendments to this Part pending: Yes

- 12) Statement of Statewide Policy Objectives: The requirements imposed by the

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY AMENDMENTS

proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

13) Information and questions regarding this amendment shall be directed to:

Louise Michels
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-0770 (voice)
(217) 782-6133 (TDD)

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF EMERGENCY AMENDMENTS

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 405
CERTIFICATION OF INDIVIDUALS TO PERFORM INDUSTRIAL RADIOGRAPHY

Section

405.10 Purpose and Scope
405.20 Definitions
405.30 Application for Certification
405.40 Categories of Certification
405.50 Examination Requirements
405.60 Examinations

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405.70 Approved Training Program
405.80 Experience Requirements for Certification
405.90 Requirements for Issuance of Certification
405.100 Duration of Certification
405.110 Fees
405.120 Reciprocity

EMERGENCY

405.130 Requirements for Renewal of Certification
405.140 Suspension and Revocation of Certification
405.150 Civil Penalties

APPENDIX A

Minimum Training Requirements for Industrial Radiography
Applicable to Radioactive Materials and Radiation Machines

AUTHORITY: Implementing and authorized by Section 7a of the Radiation Protection Act of 1990 [420 ILCS 40/7a].

SOURCE: Adopted at 18 Ill. Reg. 10721, effective June 23, 1994; amended at 20 Ill. Reg. 12502, effective September 6, 1996; emergency amendment at 25 Ill. Reg. _____, effective October 30, 2001.

Section 405.60 Examinations

EMERGENCY

- a) The Department shall administer examinations in each class of industrial radiography as specified in Section 405.40(b) of this Part at such times and places as the Department determines necessary.
 - 1) The examination shall be available through the Conference of Radiation Control Program Directors, Inc.
 - 2) The ~~scored~~ passing score shall be 70 percent.
 - 3) A candidate who fails an examination may apply for re-examination in accordance with Section 405.50 of this Part.
- b) The Department shall accept alternative examinations provided that the such examinations are found acceptable by the U.S. Nuclear Regulatory

DEPARTMENT OF NUCLEAR SAFETY

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Commission or the Conference of Radiation Control Program Directors, Inc.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 14973, effective October 30, 2001, for a maximum of 150 days)

Section 405.120 Reciprocity**EMERGENCY**

a) The Department shall issue certification to an applicant who has been certified in another state or jurisdiction, or by the American Society of Nondestructive Testing (ASNT), provided that:

- 1) The applicant holds a valid certification in the appropriate category and class issued by another state or jurisdiction or by the ASNT;
 - 2) The standards and procedures for the certification issued by in the state, or jurisdiction, or ASNT ~~that issued the certification~~ are the same or comparable to the certification standards established by or pursuant to the Radiation Protection Act of 1990 and this Part;
 - 3) The applicant presents a copy of the certification document issued by the other state or jurisdiction or by the ASNT to the Department; and
 - 4) The applicant submits the application fee in accordance with Section 405.110(a) of this Part.
- b) Individuals who are certified by reciprocity shall either:
- 1) Maintain the certification upon which the reciprocal certification was issued; or
 - 2) Satisfy the requirements of Section 405.90 of this Part prior to the expiration of the certification upon which reciprocal certification was issued.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 14973, effective October 30, 2001, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

3) Section Numbers: Emergency Action:
1001.400 Amend
1001.410 Amend
1001.441 Amend

4) Statutory Authority: Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), (d) and (h), 6-206(c)3, and 11-501(i) of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), (d) and (h), 6-206(c)3, and 11-501(i)].

5) Effective Date of Amendments: November 9, 2001

6) If these rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable.

7) Date filed with the Index Department: November 1, 2001

8) A copy of the emergency amendments, including any materials incorporated by reference, is in the Department's Springfield and Chicago offices and is available for public inspection.

9) Reason for Emergency: The statutory amendments described below became effective upon the Governor's signing of HB 2265, which occurred on 17 August 2001. In order to properly and effectively implement and administer the legislation in the interest of the public safety and welfare, these rules must be promulgated immediately.

10) A Complete Description of the Subjects and Issues Involved: These amendments implement P.A. 92-418 (HB 2265), which was signed by the Governor on 17 August 2001 and is effective immediately. The reason for the emergency is that P.A. 92-418 amended Sections 6-205(c) and (d), and 6-206(c)3 of the Illinois Vehicle Code to state that the Secretary of State shall condition the issuance of restricted driving permits upon the installation and use of an ignition interlock device on vehicles driven by multiple offenders under the driving under the influence and the implied consent/summary suspension statutes (Sections 11-501(a) and 11-501.1 of the IVC). Section 11-501(i) also provides that the Secretary of State shall establish by rule and regulation the procedures for use of the interlock system.

Furthermore, Sections 6-205(c) and 6-206(c)3 have been amended to prohibit the Secretary of State from issuing restricted driving permits to DUI offenders for one year after a second or subsequent revocation for driving under the influence, entered pursuant to Section 6-205(a)(2).

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The General Assembly has therefore increased the population of offenders who are required to participate in the interlock program and restricted the population of offenders who are eligible for restricted driving permits, thereby necessitating the amendment of the above-referenced rules so that they will be consistent with the amended statutes.

Finally, P.A. 92-418 amended the State Finance Act to create the Secretary of State "DUI Administration Fund," and Sections 6-205(c) and 6-206(c)3 of the IVC were further amended to require the payment of a monthly fee to the Secretary of State by those petitioners for whom the issuance of restricted driving permits must be conditioned upon the installation of an ignition interlock device. These fees are to be deposited into this fund and are to be used for the operation of the Department of Administrative Hearings.

This emergency rule, to be followed by the regular rulemaking process, implements the "amount and the procedures, terms, and conditions relating to these fees." See Section 2-118(a) and 3-402B(7)(a), 6-205(c) and 6-206(c)3 of the IVC.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This proposed amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

13) Information and questions regarding these amendments shall be directed to:

Marc Christopher Loro, Legal Advisor
Department of Administrative Hearings
200 Howlett Building
Springfield, Illinois 62756
(217) 785-8245
Fax: (217) 782-2192
Mloro@ilsos.net

The full text of the Emergency Amendments begins on the next page:

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section	
1001.10	Applicability
1001.20	Definitions
1001.30	Right to Counsel
1001.40	Appearance of Attorney
1001.50	Special Appearance
1001.60	Substitution of Parties
1001.70	Commencement of Actions; Notice of Hearing
1001.80	Motions
1001.90	Form of Papers
1001.100	Conduct of Formal Hearings
1001.110	Orders
1001.120	Record of Hearings
1001.130	Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section	
1001.200	Applicability
1001.210	Definitions
1001.220	Hearings: Notice; Locations; Procedures; Record
1001.230	Rules of Evidence
1001.240	Scope of Hearings
1001.250	Decisions and Orders
1001.260	Rehearings
1001.270	Judicial Review
1001.280	Invalidity

SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS
IN DRIVERS LICENSE SUSPENSIONS AND REVOCATIONS

Section	
1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Record and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity

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SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS,
REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF
DRIVING PRIVILEGES BY THE OFFICE OF THE SECRETARY OF STATE

Section	Applicability
1001.400	
<u>EMERGENCY</u>	
1001.410	Definitions
<u>EMERGENCY</u>	
1001.420	General Provisions Relating to the Issuance of Restricted Driving Permits
1001.430	General Provisions for Reinstatement of Driving Privileges after Revocation
1001.440	Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations
1001.441	Breath Alcohol Ignition Interlock Device Pilot Program
<u>EMERGENCY</u>	
1001.442	Manufacturer's Responsibilities; Approval for Analyzing Alcohol Content of Breath; DPH Inspections; Disqualification of a Manufacturer; Designation and Assignment of Regions
1001.443	Installers' Responsibilities
1001.450	New Hearings
1001.460	Requests for Modification of Revocations and Suspensions
1001.470	Renewal, Correction and Cancellation of RDP's
1001.480	Unsatisfied Judgment Suspensions
1001.485	Reinstatement Application Based Upon Issuance of Drivers License in a State Which is a Member of the Driver License Compact
1001.490	Invalidity

SUBPART E: FORMAL MEDICAL HEARINGS

Section	Applicability
1001.500	
1001.510	Definitions
1001.520	Procedure
1001.530	Conduct of Medical Formal Hearings
1001.540	Subsequent Hearings

SUBPART F: ZERO TOLERANCE SUSPENSION OF DRIVING PRIVILEGES; PERSONS
UNDER THE AGE OF 21 YEARS; IMPLIED CONSENT HEARINGS; RESTRICTED
DRIVING PERMITS

1001.600	Applicability
1001.610	Definitions
1001.620	Burden of Proof
1001.630	Implied Consent Hearings; Religious Exception
1001.640	Implied Consent Hearings; Medical Exception
1001.650	Rebuttable Presumption

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1001.660	Alcohol and Drug Education and Awareness Program
1001.670	Petition for Restricted Driving Permits
1001.680	Form and Location of Hearings
1001.690	Invalidity

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

1001.700	Applicability
1001.710	Definitions
1001.720	Organization of Motor Vehicle Review Board
1001.730	Motor Vehicle Review Board Meetings
1001.740	Board Fees
1001.750	Notice of Protest
1001.760	Hearing Procedures
1001.770	Conduct of Protest Hearing
1001.780	Mandatory Settlement Conference
1001.785	Technical Issues
1001.790	Hearing Expenses; Attorney's Fees
1001.795	Invalidity

APPENDIX A BAIID Regions and Minimum Installation/Service Center Site
Location Guidelines

AUTHORITY: Subpart A implementing Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implementing Chapter 7 and authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implementing Sections 6-205(c) and 6-206(c)3 and authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implementing Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart E implementing Sections 2-113, 2-118, 2-123, 6-103, 6-201, 6-906, and 6-908 and authorized by Sections 2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-906, and 6-909 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-906, and 2-123, 6-103, 6-201, 6-906, 6-908 and 6-909]. Subpart F implementing Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8]. Subpart G implementing and authorized by the Motor Vehicle Franchise Act [815 ILCS 710].

SOURCE: Adopted and codified at 7 Ill. Reg. 7501, effective June 17, 1983; amended at 8 Ill. Reg. 4220, effective April 1, 1984; emergency amendment at 9 Ill. Reg. 17030, effective October 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4558, effective March 18, 1986; amended at 11 Ill. Reg. 17844, effective October 15, 1987; amended at 13 Ill. Reg. 15803, effective October 1,

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1989; amended at 14 Ill. Reg. 2601, effective February 15, 1990; amended at 14 Ill. Reg. 16041, effective October 1, 1990; emergency amendment at 16 Ill. Reg. 19926, effective December 8, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2047, effective January 27, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6274, effective May 1, 1993; amended at 17 Ill. Reg. 8528, effective June 1, 1993; emergency amendment at 18 Ill. Reg. 7916, effective May 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15127, effective September 21, 1994; emergency amendment at 19 Ill. Reg. 54, effective January 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6667, effective May 1, 1995; emergency amendment at 20 Ill. Reg. 1626, effective January 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8328, effective June 12, 1996; emergency amendment at 20 Ill. Reg. 9355, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15773, effective November 28, 1996; amended at 23 Ill. Reg. 692, effective January 15, 1999; amended at 24 Ill. Reg. 19257, effective December 15, 2000; expedited correction at 25 Ill. Reg. 7352, effective December 15, 2000; emergency amendment at 25 Ill. Reg. 13790, effective October 15, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days.

**SUBPART D: STANDARDS FOR THE GRANTING OF RESTRICTED DRIVING PERMITS,
REINSTATEMENT, AND THE TERMINATION OF CANCELLATIONS OF DRIVING PRIVILEGES
BY THE OFFICE OF THE SECRETARY OF STATE**

**Section 1001.400 Applicability
EMERGENCY**

This Subpart applies to the decision making process on applications for: restricted driving permits by persons whose driving privileges have been suspended, revoked, cancelled or denied; the issuance of restricted driving permits conditioned upon the installation of a breath alcohol ignition interlock device (BAIID); the reinstatement of driving privileges; the granting of driving privileges after denial and the termination of cancellations. Each petitioner's case is unique and all of the evidence and the petitioner's entire driving record must be considered with these standards before a decision is made. The issuance of both forms of driving relief are discretionary with the Secretary of State upon the evidence presented as set forth in this Subpart D.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 14979, effective November 9, 2001, for a maximum of 150 days)

**Section 1001.410 Definitions
EMERGENCY**

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

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"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited Educational Course" means any class or course of instruction offered by an accredited educational institution that is either vocational in nature or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited Educational Institution" means any school or institution, whether public or private, which offers classes or courses of instruction, and which is reviewed and approved or granted a waiver of approval by the controlling state agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and Drug Evaluation (Investigative)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 10 years for which the petitioner/respondent did not or was not required to submit to the Secretary an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the petitioner/respondent may be a user of alcohol or any other drug to a degree which renders the person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

"Alcohol and Drug Evaluation (Out-of-state)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and Drug Evaluation (Uniform Report)" means a typewritten report which conforms to standards established by the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse

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(OASA). (See 77 Ill. Adm. Code 2060.503.) The evaluation must be completed on a form prescribed by OASA. The evaluation must be signed and dated by both the evaluator and the petitioner.

"Alcohol and Drug Evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and Drug Related Driver Remedial Program" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, also referred to as a DUI Risk Education Course, which conforms to the standards established by OASA. (See 77 Ill. Adm. Code 2060.505.)

"Alcohol Setpoint" means the minimum or nominal BrAC (0.025) at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the concentration of alcohol in the bloodstream.

"BAIID Permittee" means a BAIID petitioner who has been issued an RDP as a result of a hearing conducted under the Program.

"BAIID Petitioner" means anyone an Illinois resident who, if issued restricted driving permits, may not operate a motor vehicle unless it has been equipped with an interlock device as defined in this Section, as required by Sections 6-205(c) and 6-206(c)3 of the IVC. is in any one of the following populations: Any recidivist as defined in this Section; Any individual classified High-Risk-Dependent with at least 6-but-less-than-12-months-of-abstinence-from-alcohol-and/or-drugs; Any individual with 3-BUI-dispositions if: The last-BUI-arrest-occurred within the 3-year-period-preceding-the-date-of-the-hearing-or Any one of the-BUI-dispositions-involved-a-BRAC-or-BAG-of-0.20-or-more; Any individual with 4-or-more-BUI-dispositions. A BAIID petitioner shall include anyone convicted of reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the petitioner's/respondent's conduct causing death involved the use of alcohol or other drugs. A BAIID petitioner shall not include anyone in the above-populations if the BAIID petitioner had a hearing and was granted an RDP prior to May 10, 1994 and was eventually issued an RDP as a result of that hearing regardless of whether the permit is currently in effect as long as that BAIID petitioner does not receive a BUI disposition subsequent to the issuance of that RDP.

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"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol setpoint the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol setpoint the vehicle will be prohibited from starting. The unit or combination of units, to be approved by the Secretary, in consultation with BPH, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certificate" means evidence issued by the manufacturer to an individual as proof of his authority and competence to install accuracy-check, calibrate and/or maintain ignition-interlock devices.

"Certified Controlled Reference Sample" means a suitable reference of known ethyl alcohol concentration.

"Chemical Test" means the chemical analyses of a person's blood, urine, breath or other bodily substance performed according to the standards promulgated by the Illinois Department of Public Health in consultation with the Department of State Police. (See 20 Ill. Adm. Code 1286 77-III-Adm.-Code-510.)

"Circumvention" means an overt, conscious effort to bypass the BAIID or any other act intended to start the vehicle without first taking and passing a breath test.

"Clinical Impression" means a qualified treatment professional's (see Section 1001.440(b)(2) through (b)(6)) opinion regarding the effectiveness of substance abuse treatment provided to an individual and the likelihood of future alcohol/drug-related problems. This constitutes the treatment professional's most reasonable clinical judgment based on direct involvement with the individual throughout the course of treatment. It should not be interpreted as a definitive statement regarding the likelihood of future alcohol/drug-related problems.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated Driver Remedial or Rehabilitative Program" means an alcohol or drug evaluation, an alcohol or drug-related driver remedial program, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change a petitioner's driving problem as evidenced by the petitioner's

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abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.)

"Device" means a breath alcohol ignition interlock device approved by the Secretary ~~after consultation with~~ BPH.

"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the petitioner (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states which deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. The Compact has been codified in Illinois and is found in Chapter 6, Article VII of the Code.

~~"BPH" means the Illinois Department of Public Health-~~

"DUI" means driving under the influence.

"DUI Disposition" means any conviction or supervision for DUI, or any conviction for reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the petitioner's/respondent's conduct causing death involved the use of alcohol or other drugs, or reckless driving reduced from DUI, or any statutory summary suspension or implied consent suspension.

"Employ" or "Employed" or "Employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence which includes the completion of a term of community service. Employment need not be the sole or primary means of support for the petitioner or his/her dependents.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by OASA. (See 77 Ill. Adm. Code 2060.201.) A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to Successfully Complete a Rolling Retest" means anytime the BAID Permittee registers a BrAC reading of 0.05 or more on a rolling retest or fails to perform a rolling retest which has been requested.

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"Fee" means the statutory fees for restricted driving permits or reinstatement of driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner with:

symptoms of substance dependence (regardless of driving record), referred to in this Part as High Risk Dependent; and/or

within the 10 year period prior to the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents, referred to in this Part as High Risk Nondependent. (See 77 Ill. Adm. Code 2060.503(g).)

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first 30 days after initial installation of the device.

"Installer" means an individual trained by a BAID manufacturer to install and/or maintain a device and employed by a recognized service center, vendor or manufacturer.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code, which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty.

"Manufacturer" means the maker of a BAID or its authorized representative.

"Medical or Physical BAID Modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with the normal operation of the BAID by the BAID Permittee for which the Department may authorize a modification of the BAID or its programming to accommodate the condition without sacrificing the intent of the BAID Program.

"Medical or Physical BAID Waiver" means a demonstrated physical or medical condition documented in writing by a physician that consistently interferes with or prevents the normal operation of the

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BAIID by the BAIID Permittee for which the Department may authorize a waiver of the BAIID.

"Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has no prior conviction or court ordered supervision for DUI, no prior statutory summary suspension, and no prior reckless driving conviction reduced from DUI; and a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI; and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has no prior conviction or court ordered supervision for DUI and no prior statutory summary suspension and no prior reckless driving conviction reduced from DUI; and a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Monitor Report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

"OASA" means the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse.

"Office" means the Office of the Secretary of State and not any particular department address or location.

"Permanent Lockout" means that feature of the device that prevents a vehicle with the device installed from starting after the lapse of the 5 days (see 92 Ill. Adm. Code 1001.442(b)(7)) and requires servicing by the manufacturer/installer of the device to make the vehicle operable for failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within 5 days after any service or inspection notification.

"Petitioner" is the party who seeks or applies for relief from the

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Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"Program" means the BAIID Pilot Program administered by the Secretary.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-205(c)3 of the Code.

"Recidivist" means an individual who had lost driving privileges due to a BUI disposition, received driving relief resulting from administrative hearing for a BUI disposition, the arrest date of which occurred on or after January 17, 1992, and thereafter received another BUI disposition causing a further loss of driving privileges regardless of whether it is the reason for the current loss of driving privileges. It shall also include any individual who has been issued a JBP and who within 3 years after that issuance date appears at an administrative hearing for driving relief due to a subsequent BUI disposition.

"Reinstatement" means the restoration of driving privileges entitling the petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and this Chapter.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or application or the relief sought through that action, is made a respondent or to whom an order or complaint is directed by the department initiating a proceeding.

"Rolling Retest" means that feature of the device that requires the driver to take additional BrAC tests after the initial test to start the vehicle.

"Secretary" means the Illinois Secretary of State.

"Service or Inspection Notification" means that feature of the device that advises or notifies the BAIID Permittee to either take the vehicle with the device installed to the manufacturer or installer or send the device to the manufacturer for the required inspection and the monitor report.

"Service Center" means a dealer, distributor, supplier, or other business engaged in the installation of devices.

"Significant Other" means any person with whom an individual is experiencing an ongoing, close association that represents a

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meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

"Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has one prior conviction or court ordered supervision for DUI, or one statutory summary suspension, or one prior reckless driving conviction reduced from DUI; or a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI, or other symptoms of substance abuse, or both. (See 77 Ill. Adm. Code 2060.503(g).)

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/Recovery Program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help program (Alcoholics Anonymous, Narcotics Anonymous, etc.) or a professional support group, or regularly and frequently engaging in religious or other activities which have a distinct and positive effect on an individual's continued abstinence. Any program and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this Part). The hearing officer shall determine the viability of the petitioner's program as a means of supporting continued abstinence, taking into account all the evidence brought forward at the hearing, as well as considering whether the program is substantially consistent with the following criteria:

The program encourages life style change which involves the replacement of substance using activity with non-substance using activity;

A strong focus of the program is to provide ongoing assistance in identifying and resolving substance dependency-related issues that may jeopardize an individual's continued recovery;

The program encourages positive individual values of responsibility and honesty, as well as less self-centered thinking;

The program has demonstrated a durability and stability over time that reflects its usefulness in supporting long-term recovery.

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"Tampering" means an overt, conscious attempt to disable or disconnect the interlock device BA#B.

"24 Hour Lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of 24 hours any time the device registers 3 BrAC readings of 0.05 or more within a 30 minute period.

"Undue Hardship as It Relates to Educational Pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the petitioner, and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship as It Relates to Employment" means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code, an extreme difficulty in regard to getting to or from a petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue Hardship as It Relates to Necessary Medical Care" means an extreme difficulty in regard to getting to and from a location where petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a licensed physical or mental health care provider. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Undue Hardship as It Relates to Support/Recovery Program" means an extreme difficulty in regard to getting to and from a location where a petitioner is participating in an ongoing support program. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Unsuccessful Attempt to Start the Vehicle" means anytime the BAID Permittee registers a BrAC reading of 0.025 or more on the device when attempting to start the vehicle.

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"Vehicle", for purposes of the Breath Alcohol Ignition Interlock Device Pilot Program, means every apparatus in, upon or by which any person or property is or may be transported or drawn upon a highway and that is self-propelled, except for apparatuses moved solely by human power, motorized wheelchairs, and motorcycles.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.

"w/v" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 14 9 0, effective November 9, 2001, for a maximum of 150 days)

Section 1001.441 Breath Alcohol Ignition Interlock Device Pilot Program**EMERGENCY**

- a) A pilot program is hereby established to integrate the issuance of a RDP(s) to a petitioner conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by Sections 6-205(c) and 6-206(c)3 of the IVC. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of \$20 per month on an annual basis, for a total annual payment of \$240. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State. This fee must be paid by all petitioners for the issuance of restricted driving permits at any hearing conducted on or after the effective date of this rulemaking. The payment of the fee also applies to any petitioner who was issued a BAIID permit prior to the effective date of this rulemaking and whose driving record requires that he/she participate in the interlock program according to the definition set forth in P.A. 92-418 (see Sections 6-205(c) and (d) and 6-206(c)3 of the IVC), and who petitions for a hearing to renew his/her restricted driving permits on or after the effective date of this rulemaking. Anyone driving on a BAIID permit on the effective date of this rulemaking and whose driving record does not require that he/she participate in the interlock program according to the definition set forth in P.A. 92-418 must nonetheless drive with the interlock device until the expiration of his/her permits (without payment of the above-referenced fee). Thereafter, such a petitioner is entitled to renew the restricted driving permits without the installation of the interlock device. ~~The Secretary finds that a BAIID Eligible Petitioner is one who has demonstrated through his/her driving record that he/she poses a serious threat to the public safety and welfare and that the issuance of driving privileges to such a person should be conditioned upon the use of the BAIID to monitor the~~

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~~petitioner's driving performance for a substantial portion of the period for which the RDP has been issued. The pilot program shall also be used to assess the effectiveness, reliability, and dependability of the BAIID and/or its vendors, and will commence with the effective date of these rules.~~

A BAIID petitioner who is renewing restricted driving permit(s) and who also is eligible for the full reinstatement of driving privileges less than 12 months from the date of the expiration of the current restricted driving permits at the time he/she renews the permits, shall not be required to make an annual payment. Rather, such petitioners may pay the above-referenced fee in an amount equal to the number of months between the date of the renewal and the date of eligibility for reinstatement, plus an additional 3 months (not to exceed 12 months), times \$20. For any periods thereafter, the fee shall be paid on a quarterly basis. If, however, the petitioner is denied full reinstatement, then the petitioner must resume payment on an annual basis.

- b) The Secretary shall notify any BAIID Eligible Petitioner who requests a hearing of the requirements of the program. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification. Any BAIID-Eligible Petitioner who requests additional information shall be given information regarding all of the provisions and conditions of the program, the availability of the device and the approved manufacturers or installers, to contact for further information regarding installation, costs, maintenance, and other pertinent information.

- c) All hearings involving a BAIID Eligible Petitioner seeking driving relief shall be formal hearings. Any extension or modification of a RDP issued under the program may be done at an informal hearing. Any hearing involving a BAIID Eligible Petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.

- d) The Secretary shall issue a RDP to a BAIID Eligible Petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of Section 1001.440 of this Part and installs and utilizes a device in any motor vehicle operated by the BAIID Eligible Petitioner as required by the RDP issued under the program.

- e) Prior to the taking of evidence at the hearing or as soon as a Petitioner is determined to be BAIID-Eligible:

- 1) The hearing officer Secretary shall make sure that the BAIID Eligible Petitioner understands: all of the provisions and conditions of the program; that to obtain a RDP the BAIID Eligible Petitioner must minimally meet all of the requirements of Section 1001.440 of this Part and install and utilize the device; that participation in the program does not guarantee issuance of a RDP; and that all costs associated with the device are the responsibility of the BAIID Eligible Petitioner; and

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- 2) The BAID Eligible Petitioner shall advise the hearing officer Secretary that he/she understands all of the provisions and conditions of the program and whether he/she chooses to participate in the program. If the BAID Eligible Petitioner is unwilling to use the device, he/she shall be advised that restricted driving permits cannot be granted and no hearing will be held.
- f) After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.

- 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.
- 2) If the hearing officer determines that a RDP should be granted, an order granting a RDP shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of the device. All RDPs issued under the program, and its predecessor pilot program for hearings scheduled after June 29, 1996, shall require continued use of the device until the driving privileges of the petitioner are fully reinstated for a substantial portion of the period for which the RDP has been issued.

- g) After the issuance of an order granting an RDP under this program, in addition to the other requirements under this Part, the BAID Permittee may operate the vehicle for 14 days from the issuance of the RDP without the device installed and only for the purpose of taking the vehicle to a manufacturer or installer for installation of the device. The installer must notify the Secretary that a device has been installed in the vehicle vehicle(s) designated by the BAID Permittee within seven (7) days from the date of the installation of the device. Proof of installation shall be in writing, on letterhead from the installer or manufacturer. The BAID Permittee may operate the vehicle for fourteen (14) days from the issuance of the RDP without the device--installed only for the purpose of taking the vehicle to a manufacturer or installer for installation of the device. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.
- h) Any BAID Eligible Petitioner receiving a RDP under this program must comply with the following requirements:

- 1) Operate only a vehicle vehicle(s) with an installed, operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAID Permittee as required by the RDP issued under the program;
- 2) Take the vehicle with the device installed to the manufacturer or installer or send the appropriate portion of the device to the manufacturer within the first thirty (30) days for an initial monitor report to help the BAID Permittee learn how to correctly use the device, and thereafter not longer than every sixty (60)

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days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the manufacturer or installer.

- 3) Take the vehicle with the device installed to the manufacturer or installer or send the appropriate portion of the device to the manufacturer for a monitor report within five (5) working days after any service or inspection notification.

- 4) Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a rolling retest, or any problems with the device.

- i) Upon receipt or nonreceipt of the monitor reports, the Secretary shall review them and take the following action. The failure of the BAID Permittee to comply with the requirements of the program will be made part of his/her record of performance to be considered at future formal hearings.

- 1) For any BAID Permittee who fails to take the vehicle with the device in for timely monitor reports report(s) or send the appropriate portion of the device to the manufacturer for timely monitor reports report(s), send a letter to the BAID Permittee indicating that if the device is not taken in for a monitor report within ten (10) days after the date of the letter, the failure to comply will be made part of his/her record of performance RDP will be cancelled;

- 2) For any BAID Permittee whose monitor reports report(s) shows ten (10) or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a rolling retest, during the initial monitor period, send a warning letter to the BAID Permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully complete a rolling retest will result in the Secretary sending a letter to the BAID Permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a rolling retest;

- 3) For any BAID Permittee whose monitor reports report(s) shows ten (10) or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAID Permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle. If a response is received within twenty-one (21) days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within twenty-one (21) days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance RDP will be cancelled;

- 4) For any BAID Permittee whose monitor reports report(s) show a failure to successfully complete a rolling retest, after the initial monitor report period, send the BAID Permittee a letter asking for an explanation of the failure to successfully complete

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a rolling retest. If a response is received within ~~twenty-one--~~ 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within ~~twenty-one--~~ 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance ~~RDP--will-be-cancelled;~~

- 5) For any BAID Permittee whose monitor reports ~~reports--~~ shows a BRAC reading of 0.05 or more or a pattern of BRAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained herein, there shall arise a rebuttable presumption that the BAID Permittee consumed alcoholic beverages. The presumption may result in the cancellation of the RDP if the BAID Permittee is required to abstain from alcohol, claimed abstinence at the time of the hearing, or agreed at the hearing not to consume alcohol to the point of attaining a BRAC of 0.025 while attempting to drive a vehicle. In such case, the Secretary shall send a letter asking for an explanation of the BRAC reading or the pattern of BRAC readings consistent with the use of alcoholic beverages. If a response is received within ~~twenty-one--~~ 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that the BAID Permittee did not consume alcoholic beverages, no further action will be taken. If a response is not received within ~~twenty-one--~~ 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance RDP ~~will-be-cancelled;~~

- 6) For any BAID Permittee who was arrested/stopped by the police for an alcohol/drug related offense, failed a rolling retest, or failed to take a rolling retest if the police officer's report indicates the use of alcoholic beverages and/or drugs, the Secretary shall send the BAID Permittee a letter asking for an explanation of the incident. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance.

- 7) For any BAID Permittee whose initial monitor or monitor reports ~~reports--~~ show any tampering with or unauthorized circumvention of the device or physical inspection by an installer shows any tampering with or unauthorized circumvention of the device shall immediately cancel the RDP and authorize the immediate removal/deinstallation of the device.

- j) Receipt of any one of the following shall also be grounds for immediate cancellation of a RDP issued under this program:

- 1) Any law enforcement report showing operation of a vehicle by a BAID Permittee without a device as required by the RDP issued

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under this program. The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it, or a copy of it, along with the report, to the Secretary;

- 2) Any law enforcement arrest/stop involving a failed rolling retest or failure to take a rolling retest if the officer's report indicates the use of alcoholic beverages and/or drugs by the BAID Permittee--~~The law enforcement officer shall, at the time of the stop, confiscate the RDP and send it or a copy, if the original--is submitted to the court, along with a law enforcement report to the Secretary.~~

- 2) Written notification from a manufacturer/installer on a removal/deinstallation report form stating that their device installed in a BAID Permittee's vehicle has been removed and/or is no longer being utilized by the permittee Permittee, as required by subsection (d) above;

- 3) Any law enforcement report involving a DUI or other alcohol related arrest/op.

- k) Any BAID Permittee whose RDP issued under this program is cancelled as provided for in this Section may request a hearing to contest the cancellation within ~~sixty--~~ 60 days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAID Permittee whose RDP is cancelled under the provisions of this Section and who is required to abstain from alcohol, claimed abstinence at the time of the hearing, or agreed at the hearing not to consume alcohol to the point of attaining a BRAC of 0.025 while attempting to drive a vehicle, and subsection (f)(5) of this Section who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.

- l) Any BAID Permittee whose RDP issued under this program is cancelled for any reason in this Section shall not be granted another hearing for any type of driving relief for one year from the date of the cancellation, except to contest the cancellation as provided in subsection (k) above. This provision does not apply to BAID Permittees who voluntarily have surrendered their RDP's; ~~cancelled and~~ have not committed any offense or act that would be grounds ~~have been~~ reason for the cancellation of their RDPs; or are able to demonstrate that he/she was not the perpetrator of the offense or conduct that otherwise would be grounds for the cancellation of his/her RDPs ~~may be granted a hearing for any type of driving relief within one--(1)--year from the date of cancellation.~~

- m) Any formal order entered which grants the issuance of a RDP under this program shall, in addition to all other requirements, clearly indicate the following:

- 1) That the RDP is issued under the program;
- 2) That the BAID Permittee is aware of the program and all of its conditions and terms and accepts those conditions and terms as conditions precedent to the issuance of the RDP.

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n) Any RDPs ~~RDPs~~ issued under this program shall, in addition to all other requirements, clearly indicate:

- 1) That the permit is issued under the program, and when a vehicle operated by a BAID Permittee must be equipped with an installed, operating device;
- 2) That the provisions of the RDP also allow the BAID Permittee to drive to and from the manufacturer or installer for the purposes of installing the device within ~~fourteen~~ 14 days after of the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.
- o) ~~The Secretary authorizes BPH to check and monitor the manufacturers and installers as to their calibration and monitor report procedures.~~
- p) The Secretary shall gather all monitor reports, ~~any reports from BPH~~ and any other information relative to the petitioner's performance and compliance with the program, ~~and dependability, reliability, and effectiveness of the use of the device.~~ Such reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- p) The Secretary may make a medical or physical BAID modification or waiver for RDPs issued under the program.

(Source: Amended by emergency rulemaking at 25 Ill. Reg. 34979, effective November 9, 2001, for a maximum of 150 days)

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- 1) Heading of the Part: Requirements for Non-Business Entities with Private Business Switch Service to Comply with the Emergency Telephone System Act
- 2) Code Citation: 83 Ill. Adm. Code 727
- 3) Section Numbers:
 - 727.100
 - 727.105
 - 727.205
 - 727.300
 - 727.305
 - 727.400
 - 727.500
 - 727.510
- 4) Date Proposal published in Illinois Register: June 23, 2000, 24 Ill. Reg. 8454
- 5) Date Adoption published in Illinois Register: July 27, 2001, 25 Ill. Reg. 9606
- 6) Date Request for Expedited Correction published in Illinois Register: August 17, 2001, 25 Ill. Reg. 10546
- 7) Adoption Effective Date: July 15, 2001
- 8) Correction Effective Date: July 15, 2001
- 9) Reason for Approval of Expedited Correction: The expedited correction corrects typographical errors and makes other non-substantive changes in the rules, such as italicizing statutory language. These corrections conform with the agreements made with the Joint Committee on Administrative Rules.

The full text of the corrected rulemaking begins on the following page:

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TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 727

REQUIREMENTS FOR NON-BUSINESSES ENTITIES WITH PRIVATE BUSINESS
SWITCH SERVICE TO COMPLY WITH THE EMERGENCY TELEPHONE SYSTEM ACT

SUBPART A: GENERAL PROVISIONS

Section
727.100 Application of Part
727.105 Definitions

SUBPART B: STANDARDS OF SERVICE

Section
727.200 General Standards and Requirements
727.205 Non-business Entity Compliance

SUBPART C: AUTHORIZATION TO OPERATE

Section
726.300 Order of Authority/Application Process
727.305 Tentative/Final Plans

SUBPART D: ENGINEERING

Section
727.400 Private Emergency Answering Point

SUBPART E: OPERATIONS

Section
727.500 System Review and Reporting
727.505 Written Operating Procedures
727.510 Call Handling Procedures

AUTHORITY: Implementing and authorized by Section 15.6 of the Emergency Telephone System Act [50 ILCS 750/15.6].

SOURCE: Emergency rules adopted at 24 Ill. Reg. 8635, effective June 13, 2000, for a maximum of 150 days; emergency rule suspended at 24 Ill. Reg. 8650, effective June 13, 2000; emergency expired May 7, 2001; adopted at 25 Ill. Reg. 9606, effective July 15, 2001; expedited correction at 25 Ill. Reg. 15001, effective July 15, 2001.

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SUBPART A: GENERAL PROVISIONS

Section 727.100 Application of Part

This Part shall apply to any private business switch operator that is also a non-business entity in the State of Illinois, except to the extent of any exemptions conferred by Section 15.6(a) and (b) of the Emergency Telephone System Act [50 ILCS 750/15.6(a) and (b)]. Also see Section 727.205200(b) of this Part.

(Source: Expedited correction at 25 Ill. Reg. 15001, effective July 15, 2001)

Section 727.105 Definitions

"Automatic Location Identification" or "ALI" - A feature or function that transmits the 9-1-1 caller's address and, where required, the Distinct Location Identification information to the public safety answering point (PSAP) in an Enhanced 9-1-1 system.

"Automatic Number Identification" or "ANI" - Automatic display of the 9-1-1 calling party's telephone number on the PSAP monitor.

"Call referral" - A 9-1-1 service in which the Private Emergency Answering Point (PEAP) operator provides the calling party with the telephone number of the appropriate public safety agency or other providers of emergency services.

"Call relay" - A 9-1-1 service whereby the PEAP operator takes the pertinent information from the caller and relays that information to the appropriate public safety agency or other emergency responders.

"Call transfer" - A 9-1-1 service in which the PEAP operator PSAP telecommunicator receiving a call will transfer the incoming call to the appropriate public safety agency or other emergency responders.

"Centrex-type service" - A telecommunications system that is central office based and has feature characteristics similar to a private branch exchange (PBX). The switching of calls, both intercom and local/long distance, is performed at the local exchange carrier's facilities.

"Commission" - The Illinois Commerce Commission.

"Direct dispatch" - A 9-1-1 service that provides for the direct dispatch by a PSAP operator of the appropriate public safety agency or other emergency responders upon receipt of a telephone request for such services and the decision as to the proper action to be taken.

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"Direct inward dialing" or "DID" - The ability for an outside caller to be connected to an internal telephone extension without intervention by an operator or attendant.

"Distinct Location Identification" or "DLI" - An additional location identification that provides specific identification of a building, complex or campus. A DLI could include a floor number, wing name/number and building name/number for every 40,000 square feet of workspace.

"Emergency call" - A telephone request for emergency services which requires immediate action to prevent loss of life, reduce bodily injury, and/or prevent or reduce loss of property.

"Emergency responders" - Other providers of emergency services in addition to public safety agencies and private companies. These responders typically provide security protection, fire protection and medical assistance within a particular non-business entity that handles its internal 9-1-1 calls.

"Enhanced 9-1-1" or "E9-1-1" - An emergency telephone system with specific electronically controlled features such as ALI, ANI, or selective routing, and that uses a Master Street Address Guide (MSAG) geographic file.

"Location identification" - The street address of the workspace.

"Master Street Address Guide" or "MSAG" - The computerized geographical file consisting of all streets and address data within the 9-1-1 system area. This database is the key to the selective routing capability of 9-1-1 systems. The database matches an originating caller to a specific answering point based on the address data. The MSAG may require updating after the initial file is established.

"Non-business entity" means any entity not a business, as "business" is defined in 83 Ill. Adm. Code 726.105. "Non-business entity" as defined ~~herein~~ shall include, but not necessarily be limited to, any municipality or unit of local government as defined in Article 7, Section 1 of the Illinois Constitution of 1970; any entity that is also a school operated by authority of the School Code [105 ILCS 5]; or any entity that is a not for profit organization that qualifies for tax exempt status under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 (26 USC See 501).

"Private business switch service" - A telecommunications service such as Centrex type service or telecommunications equipment such as a private branch exchange service (PBX) system. The term "private

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business switch service" does not include key telephone systems or equivalent telephone systems registered with the Federal Communications Commission under 47 CFR E-F-R-Part 68 when not used in conjunction with Centrex type and PBX systems. In instances where Centrex type service is used in conjunction with key telephone systems not emulating PBX functionality, the responsibility for passing ANI and ALI rests with the carrier providing the Centrex. Private business switch services are typically used by, but are not limited to, private businesses, corporations, not for profit organizations, schools, governmental units and industries where the telecommunications service is primarily for conducting business.

"Private Emergency Answering Point" or "PEAP" - A place within a non-business entity where the operators answer and dispatch 9-1-1 calls from within the its facility. A non-business entity must obtain certification to handle internal 9-1-1 calls from its internal switch.

"Public agency" - The State and any unit of local government or special purpose district located in whole or in part within this State that provides or has authority to provide fire fighting, police, ambulance, medical, or other emergency services. [50 ILCS 750/2.01] The State and any unit of local government or special purpose district located in whole or in part within this State that provides or has authority to provide fire fighting, police, ambulance, or other emergency services.

"Public area" - An area within a building where the general public and/or the non-business entity patrons have access on a regular basis. Such areas would include, but not be limited to, reception areas, corridors, lobbies, and waiting rooms.

"Public safety agency" - A functional division of a public agency that provides firefighting, police, medical, or other emergency services. A functional division of a public agency that provides firefighting, police, medical, or other emergency services. [50 ILCS 750/2.02]

"Public safety answering point" or "PSAP" - The PSAP is the initial answering location of a 9-1-1 call within a municipality or county. The PSAP is also know as a "Center."

"Text telephone" or "TT" - A teletypewriter, a device that employs graphic or Braille communication in the transmission of coded signals through a wire or radio communication system.

"Workspace" - The physical building area where work is normally performed. This is a net square footage measurement which includes hallways, conference rooms, restrooms, break rooms, and/or storage rooms but does not include wall thickness, shafts,

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heating/ventilating/air conditioning equipment spaces, mechanical/electrical spaces or other similar areas where employees do not normally have access.

(Source: Expedited correction at 25 Ill. Reg. 25 00 1, effective July 15, 2001)

SUBPART B: STANDARDS OF SERVICE

Section 727.205 Non-business Entity Compliance

a) After June 30, 2000, or within 18 months after Enhanced 9-1-1 is made available, any entity that installs or operates a private business switch service and provides telecommunications facilities or services to non-business entities shall assure that such a system in the non-business entity is connected to the public switched network in a manner so that calls to 9-1-1 result in automatic number identification ("ANI") and automatic location identification (ALI). [50 ILCS 750/15.6(a)]

1) ANI shall be provided based on the following criteria, which are minimum standards:

A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system; ~~For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system; For buildings having their own street address and containing workspace of 40,000 square feet or less, one ANI shall be transmitted to the 9-1-1 system.~~

B) For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system; ~~For buildings having their own street address and containing workspace of more than 40,000 square feet, one ANI per 40,000 square feet of workspace shall be transmitted to the 9-1-1 system.~~

C) For private business switch operators/owners providing service in multi-floor buildings and sharing space with other non-related businesses or public entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system per 40,000 square feet of workspace; and

D) For private business switch operators/owners providing service in multi-building locations and sharing space with other non-related businesses or public entities, a distinct ANI for each entity shall be transmitted to the appropriate 9-1-1 system.

2) The ALI information shall follow the database format defined by the National Emergency Number Association Recommended Formats for Data Exchange Version 1 or 2.1, "NENA Recommended Formats & Protocols For Data Exchange" (May 1999, published by the National

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Emergency Number Association, 4789 Papermill Road, Coshocton, OH 43812). This incorporation does not include any later amendments or editions. ALI requirements are based on the following criteria when a 9-1-1 call is placed:

A) For buildings having their own street address and containing workspace of 40,000 square feet or less, one ALI shall be transmitted to the 9-1-1 system and will include the building's street address.

B) For buildings having their own street address and containing workspace of more than 40,000 square feet, location identification shall include the building's street address (ALI) and one DLI per 40,000 square feet of workspace. ALI and DLI information shall be transmitted to the 9-1-1 system. ~~ALI and DLI information shall be transmitted to the 9-1-1 system.~~ The DLI shall, as accurately as possible, specify the location from which the 9-1-1 call is being placed. For example, if the area contains multiple floors, the DLI shall specify all floor numbers included in the 40,000 square feet of workspace. The DLI must be able to identify the entire 40,000 square feet of workspace.

C) For private business switch operators/providers providing service in multi-floor buildings and sharing space with other non-related entities users, a DLI for each entity user shall be transmitted to the appropriate 9-1-1 system.

D) For private business switch operators/providers providing service in multi-building locations and sharing space with other non-related entities users, a DLI for each entity user shall be transmitted to the appropriate 9-1-1 system.

E) Separate buildings containing workspace of 40,000 square feet or less having a common public street address shall have a DLI for each building in addition to the street address. [50 ILCS 750/15.6(a)]

3) In cases where clarification is needed, the business switch owner/operator shall work with 9-1-1 system management and the database provider to implement a usable useable DLI.

b) Exemptions to subsection (a) of this Section.

1) Buildings containing workspace of more than 40,000 square feet are exempt from the multiple location identification requirements in subsections Section--727-205(a)(2)(B) and (a)(2)(E) of this Section if the building maintains, at all times, alternative and adequate means of signaling and responding to emergencies. Those means shall include, but not be limited to, a telephone system that provides the physical location of 9-1-1 calls coming from within the building.

A) Non-business entities that qualify for this exemption must have staff available to meet the public safety agency responding to the 9-1-1 call at the designated address. This staff must be able to direct the public safety agency to the

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site of the emergency.

B) Non-business entities that qualify for this exemption must not intercept the 9-1-1 call. All 9-1-1 calls under this exemption will be directly selectively routed to the appropriate 9-1-1 system.

C) Buildings under this exemption must, however, ensure that the appropriate building street address where the call originated is being provided to the 9-1-1 system.

D) A non-business entity seeking exemption under this subsection (b)(1) shall provide notice that it seeks such exemption to the public safety agency with jurisdiction over the physical location of the building for which exemption is sought, and to the Commission. Nothing in this subsection shall be construed to limit the Commission's authority to investigate and revoke or impose conditions upon such exemptions if it determines, after notice and hearing, that such revocation or imposition of conditions is reasonably necessary to insure the public safety.

2) Health care facilities are presumed to meet the requirements of subsection (b)(1) ~~subsection (b)(1) if the facilities are staffed with medical or nursing personnel 24 hours per day and if an alternative means of providing information about the source of an emergency call exists.~~ Buildings under this exemption must provide 9-1-1 service that provides the building's address.

3) Buildings containing workspace of more than 40,000 square feet or sites that contain multiple buildings sharing the same address or non-business entities that occupy multiple buildings in close proximity with different addresses that maintain, ~~or sites that contain multiple buildings that share the same address or non-business entities that occupy multiple buildings in close proximity with different addresses that maintain, at all times, alternative and adequate means of signaling and responding to emergencies, including a telephone system that provides the location of a 9-1-1 call coming from within the building, and that are serviced by their own medical, fire and security personnel, may qualify for an exemption pending Commission approval of the non-business entity's emergency phone system.~~ Certification by the Commission is necessary prior to a non-business entity answering and dispatching its own internal 9-1-1 calls. Non-business entities that qualify for this exemption must comply with Subparts C, D, and E of this Part.

A) A non-business entity seeking to obtain an exemption under this subsection (b)(3) must file with the Commission a petition pursuant to 83 Ill. Adm. Code 200 requesting such exemption with the Commission. Such petition shall contain a showing that the non-business entity seeking exemption is in compliance with Subparts C, D, and E of this Part, and shall further make a showing that the non-business entity seeking

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exemption provides emergency medical response equal in quality to that provided by the public safety agency with jurisdiction over the physical location of the building for which exemption is sought.

B) The Commission Staff shall review all such petitions for exemption and shall ~~make a recommendation to the Commission~~ that the Commission grant the exemption, grant the exemption with such conditions as are reasonably necessary to insure the public safety, or deny the exemption. The Commission shall, after notice and hearing, grant the exemption with such conditions as are reasonably necessary to insure the public safety, or deny the exemption.

4) Buildings in communities that are not serviced by Enhanced 9-1-1 service are exempt. [50 ILCS 750/15.6(b)]

(Source: Expedited correction at 25 Ill. Reg. ~~25.14.1~~, effective July 15, 2001)

SUBPART C: AUTHORIZATION TO OPERATE

Section 727.300 Order of Authority/Application Process

a) Any non-business entity that qualifies for exemption under Section 727.205 205(c)(3) to operate a 9-1-1 answering point within its own facility must comply with Subparts C, D and E of this Part. In addition, the non-business entity shall file a petition for an order of authority to operate a Private Emergency Answering Point (PEAP), as described in its final plan pursuant to Section 727.305. The final plan shall be attached to the petition and filed with the Commission in accordance with the Commission's Rules of Practice, 83 Ill. Adm. Code 200.

b) The original and three copies of a cover letter to the Chief Clerk, the petition, the verified statement, and the final plan must be filed with the Chief Clerk. In addition, a copy of all items must be submitted simultaneously to the 9-1-1 Program Director of the Commission.

c) The petitioner must also notify the appropriate 9-1-1 system of its plans to answer its internal 9-1-1 calls. In addition, a copy of the petitioner's application must be provided to 9-1-1 system management.

d) The Commission shall have the authority to audit 9-1-1 systems to verify compliance with the Act and this Part.

e) Modification to an approved application or system should be submitted to the Commission in writing no later than 10 days after the change.

(Source: Expedited correction at 25 Ill. Reg. ~~25.14.1~~, effective July 15, 2001)

Section 727.305 Tentative/Final Plans

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- a) Each non-business entity shall submit a tentative plan (draft) with Commission Staff for review, prior to filing its final plan with the Chief Clerk. Staff has 90 days to review and provide written comments back to the applicant.
- b) Tentative and final plans shall consist of a narrative which provides provide an explanation of the proposed system's operation and a completed application to Illinois Commerce Commission for the provision Provision of 9-1-1 service, consisting of the following exhibits:
- 1) Exhibit 1: A thorough explanation regarding the make-up of the facility's security, fire and medical departments. Explain what these emergency responders' responsibilities are and how they are better able to respond to an incident internally than an outside agency. In addition, this exhibit shall indicate how each emergency responder will be dispatched within the facility.
 - 2) Exhibit 2: Call handling agreements with the internal emergency responders, including, but not limited to, the internal security services, internal fire services, and internal medical services. These agreements shall include a commitment from the parties that appropriate actions shall be taken in response to emergency calls and subsequent dispatches and that top priority shall be given to such emergency calls by the parties.
 - 3) Exhibit 3: Call handling agreements with the existing Enhanced 9-1-1 system for additional back-up police, fire and medical assistance pursuant to Section 727.510(c).
 - 4) Exhibit 4: Back-up PEAP agreement pursuant to Section 727.400(d).
 - 5) Exhibit 5: Standard Operating Procedures and Disaster Procedures specified in Section 727.505.
 - 6) Exhibit 6: Network Diagram - a chart showing the trunking configuration from the applicant's switch to the back-up PEAP pursuant to Section 727.400.

(Source: Expedited correction at 25 Ill. Reg. 1 K 0 0 1, effective July 15, 2001)

SUBPART D: ENGINEERING

Section 727.400 Private Emergency Answering Point

A non-business An entity that has been certified by the Commission to operate a PEAP and to handle its internal emergency calls must meet the following minimum standards:

- a) The non-business entity applying to be a PEAP may have as its primary emergency telephone number a dialing code other than 9-1-1. At such time that its current telephone switching system is replaced, the non-business entity shall program its their system to respond to 9-1-1 in addition to its current dialing code.
- b) The PEAP shall be operational 24 hours a day, 7 days a week, except in

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- cases where the entity is closed or shut down and no employees are or could be present in any part of the facility.
- c) Each PEAP shall have an operational IT if the business employs hearing or speech impaired persons or if there is a public area in the building where the public has access to a telephone to dial 9-1-1 or other emergency code.
 - d) There must be at least one backup location remote from the primary answering point that will be promptly staffed by trained personnel should the primary location experience equipment failure or become unstaffed due to fire or other emergency. Instead of an on-site remote backup location, a written agreement may be established with the existing 9-1-1 system to be the remote backup/overflow answering point. The phone switch must be configured to automatically transfer calls to the remote answering point if a call to the primary answering point goes unanswered or if the primary answering point has to be evacuated.
 - e) Personnel answering the emergency phone must be trained on how to respond to emergency callers and how to summon appropriate inside and outside assistance for an emergency situation. Eight hours minimum training is required based on competency and experience.
 - f) The PEAP shall be equipped with an emergency back-up power source capable of supplying electrical power to serve the basic power requirements of the PEAP for a minimum of 4 hours.
 - g) Critical areas of the PEAP must have adequate physical security to prevent the intentional disruption of service. In the absence of a high level of security, either of the following options may be maybe substituted to ensure the answering and dispatch of the emergency call:
 - 1) A secondary back-up location remotely located from the primary answering point which is staffed 24 hours a day with trained personnel; or
 - 2) An alternative method of communication available which will transmit an emergency request and result in the dispatch of emergency services.
 - h) Access to phone switch equipment will be restricted to those who have need to service the equipment.
 - i) No emergency calls shall be placed on hold.
 - j) 90% of all emergency calls must be answered within 10 seconds.
 - k) Emergency calls shall be identified by the telecommunications equipment in such a manner that indicates that the call is an emergency so the operator can give priority to the call. Where possible, the telephone switching systems shall provide top priority to all emergency calls if a blocking condition occurs in the phone system.

(Source: Expedited correction at 25 Ill. Reg. 1 K 0 0 1, effective July 15, 2001)

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SUBPART E: OPERATIONS

Section 727.500 System Review and Reporting

Each non-business entity certified by the Commission to handle its internal 9-1-1 calls shall provide an annual update to the ICC 9-1-1 Emergency Telephone Section by January 1 of each year. The non-business entity shall provide the following information:

- a) The non-business entity's name and street address;
- b) The name and telephone number of a contact person;
- c) The recertification of all agreements.

(Source: Expedited correction at 25 Ill. Reg. _____, effective July 15, 2001)

Section 727.510 Call Handling Procedures

- a) Each non-business entity shall enter into call handling agreements with its internal emergency responders for police, fire and medical assistance. Thus, the agreements must specify the method of dispatch that will be used in contacting these responders.
- b) Each non-business entity shall enter into call handling agreements with the 9-1-1 system for fire, police and medical assistance in case additional assistance is needed beyond what the facility itself can provide. Thus, there must also be a method available for the non-business entity to request additional assistance from the existing 9-1-1 system to provide back-up services in the event that an incident occurs which would require additional emergency resources.
- c) Each non-business entity shall specify in the application to the Commission how calls will be dispatched to emergency responders within its facility. In addition, the non-business entity shall provide details concerning how additional public safety agencies or other providers of emergency services outside of the non-business entity will be dispatched in the event that additional assistance is needed. In addition, copies of these agreements must be included with the application to the Commission.
- d) Each non-business entity may choose these from the following methods of dispatch:
 - 1) Direct Dispatch;
 - 2) Call Relay;
 - 3) Call Referral; or
 - 4) Call Transfer.
- e) Each non-business entity shall ensure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has entered into with its emergency responding agencies within its facility.
- f) Each non-business entity shall ensure that the disposition of each 9-1-1 emergency call is handled according to the agreements it has

ILLINOIS COMMERCE COMMISSION

NOTICE OF EXPEDITED CORRECTION

entered into with the 9-1-1 system or other public safety agencies.

(Source: Expedited correction at 25 Ill. Reg. 18 0 0 1, effective July 15, 2001)

ILLINOIS COMMERCE COMMISSION

NOTICE OF EXPEDITED CORRECTION

1) Heading of the Part: Non-Discrimination in Affiliate Transactions for Gas Utilities

2) Code Citation: 83 Ill. Adm. Code 550

3) Section Number: 550.20

4) Date Proposal published in Illinois Register: September 22, 2000, 24 Ill. Reg. 14114

5) Date Adoption published in Illinois Register: October 5, 2001, 25 Ill. Reg. 12603

6) Date Request for Expedited Correction published in Illinois Register: October 5, 2001, 25 Ill. Reg. 12665

7) Adoption Effective Date: September 21, 2001

8) Correction Effective Date: September 21, 2001

9) Reason for Approval of Expedited Correction: The expedited correction corrects a minor error in the text concerning the component of bundled services. When ICC made its First Notice Changes in the rulemaking, it inadvertently deleted the word "services" in Section 550.20(f) (now relabeled subsection (g)), instead of the word "transportation". This change was intended to be the same as a change in Section 550.40 that deleted "transportation" from the phrase "transportation services". This correction results in the affected subsection accurately reflecting the Commission's intent and creates consistency throughout the rule.

The full text of the corrected rulemaking begins on the following page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF EXPEDITED CORRECTION

TITLE 83: PUBLIC UTILITIES
CHAPTER 1: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 550

NON-DISCRIMINATION IN AFFILIATE TRANSACTIONS FOR GAS UTILITIES

Section	Definitions
550.10	Definitions
550.20	Non-Discrimination
550.30	Marketing and Advertising
550.40	Tying
550.50	Release, Assignment, Transfer, and Brokering of Interstate Natural Gas Pipeline and Storage Services
550.60	Nondiscriminatory Provision of Information to Unaffiliated Entities
550.70	Customer Information
550.80	Exception for Corporate Support Information
550.85	Indirect Information Sharing
550.90	Confidentiality of ARGS Information
550.100	Independent Functioning
550.110	Employees
550.120	Transfer of Goods and Services
550.130	List of Affiliated Interests
550.140	Maintenance of Books and Records and Commission Access
550.150	Internal Audits
550.160	Complaint Procedures

AUTHORITY: Implementing Section 9-241 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/9-241 and 10-101].

SOURCE: Adopted at 25 Ill. Reg. 012603⁴, effective September 21, 2001; expedited correction at 25 Ill. Reg. 12665, effective September 21, 2001.

Section 550.20 Non-Discrimination

a) Gas utilities shall not provide affiliated interests or customers of affiliated interests preferential treatment or advantages relative to unaffiliated entities or their customers in connection with services provided under tariffs on file with the Illinois Commerce Commission (Commission), including contracts filed under tariffs filed pursuant to Section 9-102.1 of the Act [220 ILCS 5/9-102.1]. This provision applies broadly to all aspects of service, including, but not limited to, responsiveness to requests for service, the availability of firm versus interruptible services, the imposition of special metering requirements, and all terms and conditions and charges specified in the tariff.

b) Except for corporate support transactions, transactions between a gas utility and one or more of its affiliated interests in competition

ILLINOIS COMMERCE COMMISSION

NOTICE OF EXPEDITED CORRECTION

with ARGS that are not governed by tariff sheets on file with the Commission shall not discriminate in relation to unaffiliated ARGS.

c) Gas utilities and affiliated interests shall not notify potential or actual customers, either directly or indirectly, advertise to the public, or otherwise communicate that the gas utility provides any advantages relating to the scheduling, transportation or distribution of gas to affiliated interests or their customers relative to unaffiliated entities and their customers.

d) A utility shall process requests for similar services provided by the utility in the same manner and within the same time period for its affiliated interests or their customers as for unaffiliated entities.

e) If discretion is permitted in application of a tariff provision, gas utilities shall maintain a log detailing each instance in which it exercised discretion, as required in Section 550.140(c).

f) If a gas utility offers affiliated interests or customers of affiliated interests a discount, rebate, fee waiver or waivers of its ordinary terms and conditions for services provided under tariffs on file with the Commission, it shall contemporaneously offer the same discount, rebate, fee waiver or waivers of its ordinary terms and conditions to all unaffiliated entities and customers of unaffiliated entities, to the extent consistent with the tariffs. Gas utilities shall maintain a log of these instances, as required in Section 550.140(c).

g) When providing services ~~transportation~~ as a component of any bundled service, a gas utility shall not offer affiliated interests or the customers of affiliated interests a discount, rebate, fee waiver or waivers unless the gas utility contemporaneously offers the same discount, rebate, fee waiver or waivers to all unaffiliated entities and customers of unaffiliated entities.

(Source: Expedited correction at 25 Ill. Reg. 15014, effective September 21, 2001)

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Immunization Code
- 2) Code Citation: 77 Ill. Adm. Code 695
- 3) Register Citation to Notice of Proposed Amendments: 25 Ill. Reg. 14324; November 9, 2001
- 4) Date, Time and Location of Public Hearing:

November 29, 2001
 1:00 - 3:00 p.m.
 Illinois Department of Public Health
 Penta Building, 2nd Floor
 828 South Second Street
 Springfield, Illinois 62701

5) Other Pertinent Information: The hearing will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

- A. Each person presenting oral testimony shall provide to the hearing officer a written copy of such testimony at the time the oral testimony is presented.
- B. Organizations are asked to select one spokesperson to present the views of the organization.
- C. The hearing is intended as a forum for the public to make their opinions on the proposed rules known to the Department.
- D. The hearing officer may impose a time limit for testimony if necessary to allow each person who wishes to speak time to do so. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
- E. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of the call of witnesses, as he/she deems necessary.
- F. Specific questions regarding the proposed rules should be submitted in writing and will receive a written response from the Department following the public hearing.
- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing shall be directed to:

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

Peggy Snyder
Illinois Department of Public Health
535 West Jefferson Street, 5th Floor
Springfield, Illinois 62761
(217) 782-2043
e-mail: rules@idph.state.il.us

JOINT COMMITTEE ON ADMINISTRATIVE RULES

DEPARTMENT OF REVENUE

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
- 2) Code Citation: 86 Ill. Adm. Code 530
- 3) Section Number: Action:
530.110 Modify
- 4) Illinois Register citation of emergency rulemaking: July 6, 2001; 25 Ill. Reg. 8449
- 5) JCAR Statement Objection: August 24, 2001; 25 Ill. Reg. 10947
- 6) DOR modification in response to JCAR Objection: October 12, 2001; 25 Ill. Reg. 12913

When the Department of Revenue's modification of its emergency rulemaking in response to JCAR's objection was published, the Notice Page was inadvertently omitted. The Notice Page appears following this page.

DEPARTMENT OF REVENUE

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO
AN OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
- 2) Code Citation: 86 Ill. Adm. Code 530
- 3) Section Number: Action:
530.110 Modify
- 4) Notice of Emergency Amendments Published in the Illinois Register: July 6, 2001, 25 Ill. Reg. 8449
- 5) JCAR Statement of Objection to Emergency Amendments Published in the Illinois Register: August 24, 2001, 25 Ill. Reg. 10947
- 6) Date agency submitted this modification to JCAR for approval: September 27, 2001
- 7) Summary of Action Taken by the Agency: In response to the objection of the Joint Committee, the Department has amended Section 530.110(i)(3) of the emergency rule to replace the term "Polypeptide Hormones" with the term "Calcitonin-Salmon".

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 13, 2001

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706
Email: jcar@legis.state.il.us
Phone: 217/785-2254

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Banks and Real Estate

1. Auction License Act (68 Ill Adm Code 1440)
-First Notice Published: 25 Ill Reg 9755 - 8/3/01
-Expiration of Second Notice: 11/28/01

Central Management Services

2. Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 25 Ill Reg 9759 - 8/3/01
-Expiration of Second Notice: 11/15/01

Community College Board

3. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
-First Notice Published: 25 Ill Reg 5784 - 5/4/01
-Expiration of Second Notice: 11/14/01

Criminal Justice Information Authority

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 13, 2001

4. Procedures for Approving the Form and Manner of Reporting Arrest, Charge, and Disposition Information to the Department of State Police (Repealed) (20 Ill Adm Code 1550)
-First Notice Published: 25 Ill Reg 9798 - 8/3/01
-Expiration of Second Notice: 12/2/01
5. Individual's Rights to Access and Review Criminal History Record Information (Repealed) (20 Ill Adm Code 1530)
-First Notice Published: 25 Ill Reg 9774 - 8/3/01
-Expiration of Second Notice: 12/2/01
6. Fees for the Dissemination of Conviction Information (Repealed) (20 Ill Adm Code 1540)
-First Notice Published: 25 Ill Reg 9769 - 8/3/01
-Expiration of Second Notice: 12/2/01

Education

7. Public Schools Evaluation, Recognition, and Supervision (23 Ill Adm Code 1)
-First Notice Published: 25 Ill Reg 8968 - 7/20/01
-Expiration of Second Notice: 12/22/01
8. Certification (23 Ill Adm Code 25)
-First Notice Published: 25 Ill Reg 8929 - 7/20/01
-Expiration of Second Notice: 12/22/01

Emergency Management Agency

9. Political Subdivision Emergency Services and Disaster Agencies (29 Ill Adm Code 301)
-First Notice Published: 25 Ill Reg 10272 - 8/17/01
-Expiration of Second Notice: 12/8/01

Employment Security

10. Disqualifying Income and Reduced Benefits (56 Ill Adm Code 2920)
-First Notice Published: 25 Ill Reg 10966 - 8/31/01
-Expiration of Second Notice: 11/30/01

Farm Development Authority

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 13, 2001

11. Illinois Farm Development Authority (8 Ill Adm Code 1400)
-First Notice Published: 25 Ill Reg 8485 - 7/13/01
-Expiration of Second Notice: 12/1/01
12. Universal Newborn Hearing Screening Program (89 Ill Adm Code 504)
-First Notice Published: 25 Ill Reg 7428 - 6/15/01
-Expiration of Second Notice: 11/16/01
13. Recovery of Misspent Funds (89 Ill Adm Code 527)
-First Notice Published: 25 Ill Reg 8522 - 7/13/01
-Expiration of Second Notice: 12/2/01

Human ServicesPublic Aid

14. Rights and Responsibilities (89 Ill Adm Code 102)
-First Notice Published: 25 Ill Reg 9830 - 8/3/01
-Expiration of Second Notice: 11/22/01
15. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 25 Ill Reg 10672 - 8/24/01
-Expiration of Second Notice: 11/29/01
16. Hospital Services (89 Ill Adm Code 148)
-First Notice Published: 25 Ill Reg 7536 - 6/22/01
-Expiration of Second Notice: 11/22/01

Public Health

17. Maternal Death Review (77 Ill Adm Code 657)
-First Notice Published: 25 Ill Reg 10694 - 8/24/01
-Expiration of Second Notice: 12/7/01
18. Men's Health Code (77 Ill Adm Code 950)
-First Notice Published: 25 Ill Reg 8974 - 7/20/01
-Expiration of Second Notice: 11/30/01

Racing Board

19. Definitions (11 Ill Adm Code 210)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 13, 2001

20. Disciplinary Rules (11 Ill Adm Code 211)
-First Notice Published: 25 Ill Reg 7836 - 6/29/01
-Expiration of Second Notice: 12/11/01
21. Security Areas (11 Ill Adm Code 436)
-First Notice Published: 25 Ill Reg 11031 - 8/31/01
-Expiration of Second Notice: 11/29/01
22. Medication (11 Ill Adm Code 603)
-First Notice Published: 25 Ill Reg 11020 - 8/31/01
-Expiration of Second Notice: 11/29/01
23. Entries, Subscriptions, and Declarations (11 Ill Adm Code 1413)
-First Notice Published: 25 Ill Reg 11016 - 8/31/01
-Expiration of Second Notice: 11/29/01
- Revenue
24. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 25 Ill Reg 10711 - 8/24/01
-Expiration of Second Notice: 11/24/01
25. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 25 Ill Reg 11035 - 8/31/01
-Expiration of Second Notice: 11/29/01
26. Income Tax (86 Ill Adm Code 100)
-First Notice Published: 25 Ill Reg 11340 - 9/7/01
-Expiration of Second Notice: 12/6/01
27. Electricity Excise Tax Law (86 Ill Adm Code 511)
-First Notice Published: 25 Ill Reg 10698 - 8/24/01
-Expiration of Second Notice: 12/2/01
28. Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (86 Ill Adm Code 530)
-First Notice Published: 25 Ill Reg 8134 - 7/6/01
-Expiration of Second Notice: 11/15/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 13, 2001

29. Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (86 Ill Adm Code 530)
-First Notice Published: 25 Ill Reg 11057 - 8/31/01
-Expiration of Second Notice: 12/5/01
30. Public List of Delinquent Taxpayers (86 Ill Adm Code 710)
-First Notice Published: 25 Ill Reg 11054 - 8/31/01
-Expiration of Second Notice: 12/2/01
- State Police
31. Certification and Training of Electronic Criminal Surveillance Officers (20 Ill Adm Code 1295)
-First Notice Published: 25 Ill Reg 10731 - 8/24/01
-Expiration of Second Notice: 11/24/01
- Transportation
32. Transporting Pupils Where Walking Constitutes a Serious Safety Hazard (92 Ill Adm Code 556)
-First Notice Published: 25 Ill Reg 10161 - 8/10/01
-Expiration of Second Notice: 12/8/01
33. Custodial Transportation of Pupils Where Walking Constitutes a Serious Safety Hazard (92 Ill Adm Code 557)
-First Notice Published: 25 Ill Reg 9837 - 8/3/01
-Expiration of Second Notice Period: 12/8/01
- EMERGENCY AND PEREMPTORY RULEMAKINGS
- Community College Board
34. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501) (Emergency)
-Notice Published: 25 Ill Reg 12863 - 10/12/01
- Human Services
35. Food Stamps (89 Ill Adm Code 121) (Emergency)
-Notice Published: 25 Ill Reg 13309 - 10/19/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
9:00 A.M.
NOVEMBER 13, 2001

43. Retailers92 Occupation Tax (86 Ill Adm Code 130)
-Notice Published: 25 Ill Reg 12896 - 10/12/01

Natural Resources

36. Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill Adm Code 110) (Emergency)
-Notice Published: 25 Ill Reg 13786 - 10/26/01

Public Aid

37. Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 25 Ill Reg 12870 - 10/12/01

Revenue

38. Charitable Games Act (86 Ill Adm Code 435) (Emergency)
-Notice Published: 25 Ill Reg 14193 - 11/2/01

Secretary of State

39. Procedures and Standards (92 Ill Adm Code 1001) (Emergency)
-Notice Published: 25 Ill Reg 13790 - 10/26/01

40. Certificates of Title, Registration of Vehicles (92 Ill Adm Code 1010) (Emergency)
-Notice Published: 25 Ill Reg 14201 - 11/2/01

Treasurers Office

41. College Savings Pool (23 Ill Adm Code 2500) (Emergency)
-Notice Published: 25 Ill Reg 13323 - 10/19/01

EXEMPT RULEMAKINGS

Pollution Control Board

42. Primary Drinking Water Standards (35 Ill Adm Code 611)
-Proposed Date: 25 Ill Reg 8531 - 7/13/01
-Adopted Date: 10/26/01

EXPEDITED CORRECTION

Revenue

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 30, 2001 through November 5, 2001 and have been scheduled for review by the Committee at its November 13, 2001 meeting in Springfield or its December 18, 2001 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
12/13/01	Illinois Commerce Commission, Qualifying Infrastructure Plant Surcharge (83 Ill Adm Code 656)	7/20/01 25 Ill Reg 8913	11/13/01
12/13/01	Department of Natural Resources, Disabled Hunting Method Authorizations (17 Ill Adm Code 760)	9/14/01 25 Ill Reg 11736	11/13/01
12/13/01	Department of Human Services, Collections and Recoveries (89 Ill Adm Code 165)	5/11/01 25 Ill Reg 5994	11/13/01
12/13/01	Illinois Commerce Commission, Purchased Water and Sewage Treatment Surcharges (83 Ill Adm Code 655)	4/13/01 25 Ill Reg 5144	11/13/01
12/13/01	Department of Public Aid, Rights and Responsibilities (89 Ill Adm Code 102)	8/24/01 25 Ill Reg 10689	11/13/01
12/14/01	Department of Public Health, Long-Term Care Assistants and Aides Training Programs Code (77 Ill Adm Code 395)	3/23/01 25 Ill Reg 4169	11/13/01
12/14/01	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	3/30/01 25 Ill Reg 4480	11/13/01
12/14/01	Illinois Commerce Commission, Standards of Conduct and Functional Separation (83 Ill Adm Code 452)	3/16/01 25 Ill Reg 3752	11/13/01

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

12/14/01	Environmental Protection Agency, Green Illinois Communities Program Grants (35 Ill Adm Code 887)	9/7/01 25 Ill Reg 11309	11/13/01
12/15/01	Department of Commerce and Community Affairs, Regional Tourism Development Organization Program (14 Ill Adm Code 515)	7/27/01 25 Ill Reg 9453	11/13/01
12/15/01	Department of Commerce and Community Affairs, Technology Advancement and Development Act Programs (14 Ill Adm Code 545)	8/24/01 25 Ill Reg 10623	11/13/01
12/15/01	Department of Commerce and Community Affairs, Technology Advancement and Development Act Programs (Repeal) (14 Ill Adm Code 545)	8/24/01 25 Ill Reg 10565	11/13/01
12/15/01	Department of Public Aid, Mental Health Services in Nursing Facilities (89 Ill Adm Code 145)	3/23/01 25 Ill Reg 4157	11/13/01
12/15/01	Department of Public Aid, Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)	3/23/01 25 Ill Reg 4136	11/13/01
12/19/01	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	9/14/01 25 Ill Reg 11759	12/18/01

PROCLAMATIONS

2001-565

AYDIN GONULSEN DAY

WHEREAS, Aydin Gonulsen has played the game of soccer for more than 50 years and coached, promoted, organized and administered soccer programs for 26 years; and

WHEREAS, Aydin Gonulsen is considered the "founding father" of organized soccer in Illinois' State capital of Springfield, having founded the soccer program at Sangamon State University in 1977 and the city's first semi-pro indoor team in 1981; and

WHEREAS, in the quarter century of dedication to Sangamon State and its successor, the University of Illinois at Springfield, Aydin Gonulsen has guided the Prairie Stars to three National Association of Intercollegiate Athletics championships in 1986, 1988 and 1993; and

WHEREAS, two Prairie Star teams coached by Aydin Gonulsen have qualified for the World Collegiate Championship in 1987 and 1988; and

WHEREAS, all of Aydin Gonulsen's Prairie Star teams have had winning records and have established an international standard for collegiate soccer; and

WHEREAS, Aydin Gonulsen has the most wins of any active soccer coach in the country with 411 victories, and Aydin Gonulsen has received numerous coach of the year awards, special citations and has been inducted into the NAIA Hall of Fame; and

WHEREAS, Aydin Gonulsen has announced his retirement from coaching at the University of Illinois at Springfield; and

WHEREAS, his presence in the Springfield community - and statewide - has been an inspiration to young people and their families for many years and will continue to be a source of pride for our State; and

WHEREAS, Aydin Gonulsen now takes his place on the roll of great athletic coaches in the long and storied history of the University of Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2001, as AYDIN GONULSEN DAY in Illinois and encourage everyone to cheer on the Prairie Stars.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-566

BISHOP RAY LLARENA DAY

WHEREAS, Bishop Ray Llarena is currently the pastor at Faith Tabernacle Church in Chicago; and

WHEREAS, Faith Tabernacle Church is composed of 30 different nationalities, with over 2,000 members; and

WHEREAS, in addition, Bishop Llarena oversees many churches and pastors in the Philippines, Hong Kong, and Canada; and

WHEREAS, Bishop Llarena is also an active member of the Ministerial Association of God Church in the United States; and

WHEREAS, Bishop Llarena has also traveled to five continents doing missionary work; and

WHEREAS, he has helped build a school, managed an orphanage, and organized medical teams to serve those in need in the Philippines; and

WHEREAS, Bishop Llarena also hosts four radio and one television program; and

WHEREAS, Bishop Llarena also serves his local community through his participation in marches against crime and drugs, the hosting of CAPS' monthly meetings in Faith Tabernacle Church, and the feeding and distribution of clothes to the homeless twice a week; and

WHEREAS, October 26, 2001, is Pastor Appreciation Day;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 26, 2001, as BISHOP RAY LLARENA DAY in Illinois.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-567

BRIGADIER GENERAL WAYNE ROSENTHAL DAY

WHEREAS, Colonel Wayne Rosenthal has served in the United States Air Force for more than 30 years; and

WHEREAS, Colonel Rosenthal has served in various capacities including Active Duty in Germany, and with the Illinois Air National Guard; and

WHEREAS, he currently serves as Logistics Group Commander for the 183rd Fighter Wing; and

WHEREAS, he survived a near fatal plane crash wherein he and the pilot ejected; and

WHEREAS, Colonel Rosenthal was instrumental in the 183rd Fighter Wing's conversion to F-16s; and

WHEREAS, Colonel Rosenthal has led the men and women of the 183rd Fighter Wing's Logistics Group Squadron to achieve excellence and world-wide recognition by the United States Air Force; and

WHEREAS, he has earned the highest respect of the airmen and officers of the 183rd Fighter Wing and his colleagues throughout the world; and

WHEREAS, this great military leader has always exhibited the highest professional standards of an Air Force officer; and

WHEREAS, Colonel Rosenthal has been an excellent model and mentor for the men and women of the 183rd Fighter Wing; and

WHEREAS, Colonel Rosenthal contributed greatly to the excellence that the 183rd Fighter Wing has achieved; and

WHEREAS, Colonel Rosenthal is being promoted to Brigadier General of the Illinois Air National Guard; and

WHEREAS, the men and women of the Illinois Air National Guard and the 183rd Fighter Wing will sorely miss Colonel Rosenthal;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 27, 2001, as BRIGADIER GENERAL WAYNE ROSENTHAL DAY in Illinois.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-568

ENTREPRENEURSHIP EDUCATION DAY

WHEREAS, the future of our State and nation are dependent on the health and strength of our economy; and

WHEREAS, economic understanding and entrepreneurship skills for all citizens are essential to assuring a strong economy; and

WHEREAS, entrepreneurship education has been proven to provide the knowledge

and skill sets necessary for the understanding of business ownership; and

WHEREAS, entrepreneurship education works to prepare both adults and youth across the State to be creative business owners and workers, prudent savers and investors, as well as wise consumers and productive citizens in our economy; and

WHEREAS, for the past 13 years, the Illinois Institute for Entrepreneurship Education (IIEE) has provided Illinois citizens with entrepreneurship preparation through programs, research, and access to a variety of information and resources; and

WHEREAS, IIEE also works to build strong linkages and partnerships between education, business and government;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 23, 2001, as ENTREPRENEURSHIP EDUCATION DAY in Illinois.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-569

FIRST ANNUAL SPRINGFIELD BUDDY WALK DAY

WHEREAS, Down Syndrome is a genetic condition that occurs in approximately one out of every 800 to 1,000 births and affects people of all ages, races and economic levels; and

WHEREAS, people with Down Syndrome, despite health problems, possess many strengths and talents, attend school, develop friendships, maintain jobs, participate in important personal decisions and make positive contributions to their communities; and

WHEREAS, The National Down Syndrome Society was established in 1979 to help all people with Down Syndrome achieve their full potential in life; and

WHEREAS, The National Down Syndrome Society developed the "Buddy Walk" in 1995 as a way for communities around the country to promote awareness and inclusion for people with Down Syndrome; and

WHEREAS, the number of "Buddy Walks" in the United States has grown from 17 in 1995 to more than 120 in 2001, with more than 50,000 walkers in 48 states; and

WHEREAS, a new "Buddy Walk" will take place in Illinois' State Capitol of Springfield on October 20, 2001, following many hours of hard work by parents, family and friends of people with Down Syndrome in Springfield; and

WHEREAS, everyone needs a buddy;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 20, 2001, as the FIRST ANNUAL SPRINGFIELD BUDDY WALK DAY in Illinois and encourage everyone in our State to walk on behalf of people with Down Syndrome.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-570

LITERACY FOR PEOPLE WHO ARE DEAF OR HARD OF HEARING DAY

WHEREAS, the Mission of Alternatives in Education for the Hearing Impaired (AEHI) is to foster literacy and empower people with hearing impairments to achieve their potential through unique educational options; and

WHEREAS, literacy is the single greatest key to productive citizenship and

adult economic self-sufficiency; and

WHEREAS, children who are deaf or hard of hearing are taught using Cued Speech to achieve levels of literacy equivalent to what would have been achieved if the child was not deaf or hard of hearing; and

WHEREAS, through its 15-year history, AEHI demonstrated Cued Speech at the Alexander Graham Bell Montessori School improving education and literacy outcomes for children who are deaf or hard of hearing; and

WHEREAS, AEHI offers a range of services to children who are deaf or hard of hearing and their families, including early intervention, Cued Speech workshops, advocacy and group support programs; and

WHEREAS, AEHI supports access to literacy for a statewide population of people who are deaf or hard of hearing through teacher training and consulting activities; and

WHEREAS, AEHI supports the development of new practices, technologies and techniques in education for the hearing impaired; and

WHEREAS, AEHI will be hosting an event at the Chicago Cultural Center to promote literacy for children who are deaf or hard of hearing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 6, 2001, as LITERACY FOR PEOPLE WHO ARE DEAF OR HARD OF HEARING DAY in Illinois.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-571

ORA HIGGINS' YOUTH FOUNDATION DAY

WHEREAS, the Ora Higgins' Youth Foundation was founded in 1976 by Ora Higgins, a lady of great vision and dedication to the cause of higher education for academically gifted students; and

WHEREAS, the Foundation will present a \$1,500 Scholarship Award to each of nine high school graduates pursuing post-secondary study at institutions of higher education; and

WHEREAS, the Foundation will present Leadership Awards to seven outstanding local professionals who have distinguished themselves through their contributions to the growth and development of today's urban youth; and

WHEREAS, the Foundation strives to convey to its annual Scholarship Award recipients that the elements of good-will, productive labor, mutual respect and law and order are the foundation upon which to establish and maintain a stable society; and

WHEREAS, the Foundation will commemorate the 25th Anniversary of its annual Scholarship Awards Dinner on Sunday, October 28, 2001, at the Lexington House in Hickory Hills;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 28, 2001, as ORA HIGGINS' YOUTH FOUNDATION DAY in Illinois.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-572

PHI KAPPA OMEGA DAY

WHEREAS, the Alpha Kappa Alpha Sorority, Inc. was established in 1908 at Howard University in Washington, D.C. and is the oldest Greek black sorority in

the United States; and

WHEREAS, Phi Kappa Omega was the first chapter chartered under the new millennium on January 8, 2000, in Evergreen Park, Illinois; and

WHEREAS, Doris B. Powell is President and Yolanda M. Douglas is Chairperson 2001; and

WHEREAS, their motto is "Supreme in service to youths, adults, senior citizens"; and

WHEREAS, they have adopted highway 12/20 from 95th and Western Avenue to Kedzie Avenue in Evergreen Park; and

WHEREAS, their main goal is to offer academic scholarships to deserving youths in the southwest suburbs and to one urban high school student on a yearly basis; and

WHEREAS, the State of Illinois supports the mission of the Phi Kappa Omega chapter of Alpha Kappa Sorority's "Blazing New Trails" targets of the arts, black family, economic development, education and health;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 29, 2001, as PHI KAPPA OMEGA DAY in Illinois, in recognition of the organization's devoted efforts to improve the quality of life for Illinois' citizens.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-573

WEATHERIZATION DAY

WHEREAS, the average American family spends more than \$1,300 annually on utility bills; and

WHEREAS, that figure represents nearly 20 percent of a low-income family's income and could approach 25 percent as fuel costs steadily rise; and

WHEREAS, the average energy cost savings for each home weatherized is more than \$300 annually, allowing families to spend the money saved on groceries, doctor bills, prescriptions, and other needs, thereby making them more self-sufficient; and

WHEREAS, carbon dioxide emissions are reduced by an average of one ton per weatherized household, reducing pollution levels here in Illinois by an average of 6,100 tons annually; and

WHEREAS, 52 direct jobs are created within the nation's communities for each \$1 million invested, resulting in 1,248 jobs in Illinois in the past 10 years; and

WHEREAS, for every \$1 invested by the federal Department of Energy, another \$3.39 is leveraged from other sources; and

WHEREAS, the Illinois Weatherization Assistance Program works with partners such as the statewide network of 35 community action agencies to help reduce the energy burden of the State's low income families; and

WHEREAS, 244,000 homes have been weatherized in Illinois since the problem began in 1977;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 30, 2001, as WEATHERIZATION DAY in Illinois, in recognition of the effective partnership between the Illinois Department of Commerce and Community Affairs and the Illinois Community Action Association.

Issued by the Governor October 18, 2001.

Filed by the Secretary of State October 25, 2001.

2001-574

ADOPTION AWARENESS MONTH

WHEREAS, adoption is a rewarding and enriching experience for all involved; and

WHEREAS, an adoptive family provides a child with a stable and loving home; and

WHEREAS, Illinois has led the nation in the growth of completed adoptions in fiscal years 1998 and 1999, an in fiscal year 2000 achieved a record rate of children in substitute care moved to permanency through adoptions, subsidized guardianships and reunifications; and

WHEREAS, largely because of its success in adoption recruitment, Illinois has become the first state in the nation to support more children in permanent adoption guardianship placements than in substitute care; and

WHEREAS, the Illinois Department of Children and Family Services, One Church One Child, the Child Care Association of Illinois, the Freddie Mac Foundation's Wednesday's Child program, the Adoption Information Center of Illinois, Corporate Partnership for the Recruitment of Adoptive Families, the Illinois Adoptive Parent Organization, and many Illinois adoptive parent groups encourage all families to consider adopting a child in need of a home; and

WHEREAS, on any given day, approximately 900 children are awaiting adoption; THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as ADOPTION AWARENESS MONTH in Illinois.

Issued by the Governor October 22, 2001.

Filed by the Secretary of State October 25, 2001.

2001-575

AMERICAN INDIAN HERITAGE MONTH

WHEREAS, Southern Illinois University at Carbondale has made a commitment to diversity; and

WHEREAS, the American Indian population at SIUC is approximately .3 percent; and

WHEREAS, the campus shows that commitment through the local commemoration and celebration of American Indian Heritage Month in November 2001; and

WHEREAS, to recognize and celebrate the American Indian population on the SIUC campus, students, faculty, staff, and others should take advantage of the opportunity to learn more about the American Indian culture through the lectures, movies, discussions, art displays, and cultural performances that fill the month;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as AMERICAN INDIAN HERITAGE MONTH in Illinois.

Issued by the Governor October 22, 2001.

Filed by the Secretary of State October 25, 2001.

2001-576

ILLINOIS ASSOCIATION FOR HEALTH, PHYSICAL EDUCATION, RECREATION AND DANCE

WHEREAS, the Illinois Association for Health, Physical Education, Recreation and Dance is celebrating its 70th anniversary this year; and

WHEREAS, the Association has, through the years, been a leader in providing

strong direction to students at all grade levels in directing them into healthy lifestyles; and

WHEREAS, the organization has long supported quality physical education programs in schools on a daily basis; and

WHEREAS, the Association now has more than 3,000 members in school districts and universities across the State; and

WHEREAS, the Association continues to develop innovative and effective physical education programs;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate the Illinois Association for Health, Physical Education, Recreation and Dance on its 70 years of effective leadership in providing quality physical education to students in the state's schools and education.

Issued by the Governor October 22, 2001.

Filed by the Secretary of State October 25, 2001.

2001-577

JUNIOR LEAGUES OF ILLINOIS

WHEREAS, the State of Illinois is home to nine Junior Leagues: Greater Alton, Champaign-Urbana, Chicago, Greater DuKane, Evanston-North Shore, Kankakee County, Peoria, Rockford and Springfield; and

WHEREAS, the Junior Leagues are committed to promoting voluntarism, developing the potential of women and improving the community through effective action and leadership of trained volunteers; and

WHEREAS, the Junior Leagues of Illinois have made a profound contribution to our community through their leadership in voluntarism and on-going service to our citizens; and

WHEREAS, the Association of Junior Leagues International, of which the nine Junior Leagues of Illinois are members, is celebrating its centennial anniversary during the year 2001; and

WHEREAS, the State of Illinois is pleased to recognize this milestone in the history of the Junior Leagues of Illinois; and

WHEREAS, an exhibit commemorating the Junior Leagues Centennial, "100 Years of Women Improving Communities", will be on display at the Richard J. Daley Center in Chicago during the month of November;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, congratulate the Junior Leagues of Illinois on the celebration of the Centennial of the Junior League movement, and encourage all citizens to extend their best wishes to these organizations for their continued success.

Issued by the Governor October 22, 2001.

Filed by the Secretary of State October 25, 2001.

2001-578

PANCREATIC CANCER AWARENESS MONTH

WHEREAS, November 2001 will be observed in the State of Illinois as Pancreatic Cancer Awareness Month to create awareness of pancreatic cancer, the number four cause of cancer death of men and women in the United States; and

WHEREAS, over 29,000 people in the United States will be diagnosed this year alone with pancreatic cancer, and only four percent will survive beyond five years; and

WHEREAS, currently, there are no early detection methods and only minimal

treatment options for pancreatic cancer; therefore, by the time symptoms generally present themselves, it is too late for a positive prognosis, the life expectancy after diagnosis with metastatic disease is just 3-6 months; and

WHEREAS, pancreatic cancer does not discriminate by age, gender, or race, and 99 percent of those diagnosed will die; and

WHEREAS, the federal government invests less money in pancreatic cancer than in any other leading cancer; and

WHEREAS, the Pancreatic Cancer Action Network, Inc. (PanCAN), the premier voice of advocacy for pancreatic cancer, exists to create awareness, education, and funding to ultimately find the cure for pancreatic cancer. PanCAN works to focus national attention on the need to find the cure for pancreatic cancer by providing public and professional education that embraces the urgent need for more research, effective treatment, prevention programs, and early detection methods;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2001 as PANCREATIC CANCER AWARENESS MONTH in Illinois.

Issued by the Governor October 22, 2001.

Filed by the Secretary of State October 25, 2001.

2001-579

THE 45TH ANNIVERSARY OF THE REV. JOHNNIE COLEMON AND CHRIST UNIVERSAL TEMPLE

WHEREAS, the Reverend Dr. Johnnie Colemon, the First Lady of New Thought, founded Christ Universal Temple on October 17, 1956, to teach people how to live a healthy, happy, prosperous life; and

WHEREAS, Christ Universal Temple has divinely grown from the dining room table of the founder/leader to 32 acres at Ashland Avenue and Reverend Johnnie Colemon Drive (119th Street); and

WHEREAS, the Christ Universal Temple "campus" includes the world's largest new thought church with a seating capacity of 4,000, an extensive resource center of books for better living, the Johnnie Colemon Institute and the Johnnie Colemon Academy. The Johnnie Colemon Institute teaches Universal Truth Principles to teachers and counselors, and prepares for ordination those whom God has chosen to minister his people; and

WHEREAS, the globally recognized organization ministers to more than 20,000 members, teaching a message of hope, peace, joy and happiness to be lived seven days a week;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 28, 2001, as THE 45TH ANNIVERSARY CELEBRATION OF THE REV. JOHNNIE COLEMON AND CHRIST UNIVERSAL TEMPLE in Illinois.

Issued by the Governor October 22, 2001.

Filed by the Secretary of State October 25, 2001.

2001-580

THE FULL MONTY NATIONAL TOUR DAY

WHEREAS, Fox Searchlight Pictures, The Charlotte Wilcox Company, Lindsay Law, Thomas Hall, Liz Woodman Casting, Matthew Markoff, Kimberly Fisk and Aurora Productions present the U.S. National Tour of the musical production of "The Full Monty"; and

WHEREAS, the cast and company members of the U.S. National Tour of "The Full

Monty" exemplify the highest personal and professional standards, respect for all individuals, and celebration of cultural diversity; and

WHEREAS, the cast and company members of the U.S. National Tour of "The Full Monty" perform various and many humanitarian acts including participating in benefits and contributing personal resources to the wider community; and

WHEREAS, the cast and company members of the U.S. National Tour of "The Full Monty" instill in youth of all ages a love and appreciation for the performing arts; and inspire and educate the youth of America in various ways; and

WHEREAS, the cast and company members of "The Full Monty," as positive role models, motivate, inspire and improve the personal, social and academic growth of youth as future productive citizens of the world; and

WHEREAS, the cast and company members of the U.S. National Tour of "The Full Monty" understand that if it takes teamwork to accomplish their goals, and therefore, each member demonstrates collaborative team work, positive self-esteem, determination and consistent hard work essential success; and

WHEREAS, Rod Weber has consistently been an inspiration to all who aspire to be successful in the entertainment profession, gives limitlessly to his audiences, and values all who have contributed to his success;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 1, 2001, as THE FULL MONTY NATIONAL TOUR DAY in Illinois.

Issued by the Governor October 22, 2001.

Filed by the Secretary of State October 25, 2001.

2001-581

DISABILITY MENTORING DAY

WHEREAS, in recognition of National Disability Employment Awareness Month, Disability Mentoring Day was formed as a public-private partnership between the U.S. Department of Labor, the White House Domestic Policy Council, the Office of Disability of Employment Policy, and the American Association of People with Disabilities; and

WHEREAS, new generations of young people with disabilities are growing up in Illinois--graduating from high school, going to college, and preparing to participate fully in the workplace; and

WHEREAS, on October 24, 2001, Disability Mentoring Day will provide an opportunity for young people with disabilities to gain insight into career options by spending part of their day in the workplace "shadowing" an employee as he or she goes through a normal day on the job; and

WHEREAS, to recognize the enormous potential of individuals with disabilities and to encourage everyone to work toward their full integration into the workforce, the State of Illinois salutes those committed to this worthwhile effort;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 24, 2001, as DISABILITY MENTORING DAY in Illinois, and call upon all businesses, labor leaders, and educators to include people with disabilities in their standard practices or career preparation training; to tell their colleagues about the skills and diversity people with disabilities bring to the workplace; to recruit and employ Illinoisans with disabilities, and to recognize the enormous potential of individuals with disabilities and to work toward their full integration into our State's workforce.

Issued by the Governor October 24, 2001.

Filed by the Secretary of State October 25, 2001.

2001-582

CHICAGO ASSOCIATION OF BLACK JOURNALISTS DAY

WHEREAS, on November 2, 2001, the Chicago Association of Black Journalists will be celebrating its 25th Anniversary with the theme "Preserving Our Heritage, Securing Our Future"; and

WHEREAS, the Chicago Association of Black Journalists was formed January 15, 1976, to promote the concerns and interests of African-American reporters, editors, broadcasters, photographers and others in media-related fields in addition to the larger black community; and

WHEREAS, the Chicago Association of Black Journalists has committed itself to ensuring local media remain focus to reflecting our fair city in all its diversity, urging balanced reporting about the African-American community, praising the best of coverage and protesting the worst; and

WHEREAS, the Chicago Association of Black Journalists has encouraged young African-Americans to consider entry into the field of media through scholarship and mentoring programs; and

WHEREAS, the Chicago Association of Black Journalists has served as a clearinghouse of information about the media industry and helped provide opportunities for skills development and career advancement; and

WHEREAS, the Chicago Association of Black Journalists has arranged newsmaker panels to create a greater understanding of issues facing the news industry, the black community and the city as a whole; and

WHEREAS, the Chicago Association of Black Journalists has included an array of distinguished members who have become part of the city's fabric by helping inform, entertain and enlighten Chicagoans in print, on television, on radio and through the Internet;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 2, 2001, as CHICAGO ASSOCIATION OF BLACK JOURNALISTS DAY in Illinois, and encourage all Illinoisans to be aware of the fine efforts of the Chicago Association of Black Journalists and the events planned for that day.

Issued by the Governor October 25, 2001.

Filed by the Secretary of State November 1, 2001.

2001-583

CHICAGO WOMEN IN TRADES DAY

WHEREAS, Chicago Women in Trades (CWIT) will celebrate its 20th anniversary on November 8, 2001; and

WHEREAS, CWIT began as a small group of women carpenters sharing potluck dinners, stories and friendship; and

WHEREAS, 20 years later, CWIT has achieved enormous gains, expanding from an association of grassroots, organizing volunteers to a membership-based, community organization with 14 full-time and three part-time staff; and

WHEREAS, CWIT's goals of breaking down the obstacles surrounding women's careers in the trade, shattering stereotypes and challenging myths surrounding high-wage, high-skill career opportunities for women remains the same as when it began 20 years ago;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 8, 2001, as CHICAGO WOMEN IN TRADES DAY in Illinois.

Issued by the Governor October 25, 2001.

Filed by the Secretary of State November 1, 2001.

2001-584

**MS. ILLINOIS BELLEZA LATINA AND MISS ILLINOIS TEEN BELLEZA LATINA
DAY**

WHEREAS, Ms. Belleza Latina, Ms. Latin Beauty, is one of only a handful of pageants in the United States exclusively for Hispanic women; and
WHEREAS, Ms. Belleza Latina's mission is to create pride in the Hispanic community, recognize the achievements of Latin women worldwide in a positive and rewarding environment that also celebrates their beauty, not only on the outside but on the inside; and

WHEREAS, Ms. Illinois Belleza Latina 2001 is Tanya Crespo, a 26-year-old from Chicago, whose platform of choice is the prevention of child abuse; and
WHEREAS, Ms. Crespo attended Roosevelt University and is currently working on her degree in Paralegal Studies and plans to enter the field of Law; and
WHEREAS, Miss Illinois Teen Belleza Latina 2001 is Damaressa Quiles, a 15-year-old, whose charity of choice is the AIDS foundation and will be making charitable appearances on their behalf; and

WHEREAS, Ms. Crespo and Miss Quiles will represent Illinois at the national pageant on November 4th in Orlando, Florida; and

WHEREAS, both have been outstanding State queens during their reign;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 4, 2001, as MS. ILLINOIS BELLEZA LATINA AND MISS ILLINOIS TEEN BELLEZA LATINA DAY in Illinois.

Issued by the Governor October 25, 2001.

Filed by the Secretary of State November 1, 2001.

2001-585

75TH ANNIVERSARY OF THE MOUNT PROSPECT CHAMBER OF COMMERCE DAY

WHEREAS, the Mount Prospect Chamber of Commerce was formed in 1926; and
WHEREAS, today, the Chamber has grown to a business membership of 400; and
WHEREAS, the Mount Prospect Chamber has built a reputation for building goodwill and better friendships in the community through open communication, honest work and understanding the ever-changing business world we live in; and
WHEREAS, the Chamber of Commerce began many of the traditions still practiced in Mount Prospect, including decorating the downtown area for the holidays and the annual Fourth of July Parade which was started in 1956;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 3, 2001, as the 75TH ANNIVERSARY OF THE MOUNT PROSPECT CHAMBER OF COMMERCE DAY in Illinois.

Issued by the Governor October 25, 2001.

Filed by the Secretary of State November 1, 2001.

2001-586

GOOD DEEDS WEEK

WHEREAS, good deeds can make children better human beings and future leaders of our beautiful country; and

WHEREAS, through performing good deeds and random acts of kindness, children can help their fellow classmates to learn and grow in a friendly environment; and

WHEREAS, concerned and caring people can and do make a difference in the

lives of the handicapped, the elderly, the lonely, and those who need special attention from time to time; and

WHEREAS, good deeds can make people more caring, loving, and kind;
THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 11-17, 2001, as GOOD DEEDS WEEK in Illinois.

Issued by the Governor October 26, 2001.

Filed by the Secretary of State November 1, 2001.

2001-587

HISPANOCARE DAY

WHEREAS, formed in 1988 by the Illinois Masonic Medical Center, HISPANOCARE is a not-for-profit PPO network of nearly 300 bilingual providers; and

WHEREAS, the goal of HISPANOCARE is to provide quality, cost-effective healthcare to Chicago's Latino community in a culturally sensitive manner; and

WHEREAS, to fulfill its mission of community outreach and provide health care in a bilingual, bicultural, user friendly and quality atmosphere, HISPANOCARE coordinates community health fairs where preventative services such as mammography, HIV testing, diabetes testing, cholesterol checks, eye exams, foot exams, and thyroid screenings are offered free of charge; and

WHEREAS, another major component of HISPANOCARE's community outreach effort is educating the Latino community about health and means of promoting wellness and disease prevention; and

WHEREAS, HISPANOCARE's success is based upon an intimate understanding of Chicago's diverse Latino community and its ability to partner with hospitals, physicians, and other health care providers; and

WHEREAS, on November 10, 2001, HISPANOCARE, Inc. will celebrate its 13th annual gala "Nuestro Compromiso" at the Chicago Downtown Marriott;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10, 2001, as HISPANOCARE DAY in Illinois.

Issued by the Governor October 26, 2001.

Filed by the Secretary of State November 1, 2001.

2001-588

SCHOOL BUS SAFETY WEEK

WHEREAS, because school buses are a common sight on Illinois' roads, people often forget the rules of school bus safety; and

WHEREAS, in the last 25 years there have been 974 fatalities involving school buses; and

WHEREAS, most accidents occur during daylight hours, when weather conditions are clear; and

WHEREAS, most fatalities are children under the age of 10, and nearly half of those are between the ages of 5 and 7; and

WHEREAS, children on their way home from school made up 67.4 percent of all fatalities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 12-16, 2001, as SCHOOL BUS SAFETY WEEK in Illinois.

Issued by the Governor October 26, 2001.

Filed by the Secretary of State November 1, 2001.

2001-589

SELECTIVE SERVICE SYSTEM ON-LINE REGISTRATION AWARENESS DAYS

WHEREAS, people throughout Illinois and the United States take great pride in our country, our freedoms, and our democratic ideals and wish to safeguard these blessings; and

WHEREAS, the Selective Service System has served our nation for more than half a century by providing a time-proven and cost-effective insurance policy for the American people-the rapid mobilization of the armed forces during times and threats of war; and

WHEREAS, our nation must maintain the capability to mobilize rapidly during times of national emergency, therefore, the continuation of registration of young men to provide a necessary manpower pool is essential; and

WHEREAS, with the introduction of the on-line registration, a young man can now register quickly and with minimum effort via the Internet at <http://www.sss.gov>; and

WHEREAS, Selective Service System On-Line Registration Awareness Days serve to remind all men-born after January 1, 1962-of the requirement to register their name, address, date of birth, and Social Security number within 30 days of their 18th birthday;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 5-7, 2001, as **SELECTIVE SERVICE SYSTEM ON-LINE REGISTRATION AWARENESS DAYS** in Illinois.

Issued by the Governor October 26, 2001.

Filed by the Secretary of State November 1, 2001.

2001-590

DR. DONALD SPENCER DAY

WHEREAS, Dr. Donald Spencer currently serves as President of Western Illinois University and as the State's Senior Public University President; and

WHEREAS, Dr. Spencer and his wife, Dr. Sue Spencer, recently announced his retirement as President of Western Illinois University; and

WHEREAS, Dr. Spencer has provided outstanding leadership and advocacy to the entire Western Illinois Region in pursuit of the university's public service mission; and

WHEREAS, Dr. Spencer has initiated many innovative programs at Western Illinois University, such as Grad Track which has positioned WIU to be one of the state's premiere undergraduate universities; and

WHEREAS, this great university leader was instrumental in transitioning WIU to a new form of governance from the Board of Governors to the Western Illinois University Board of Trustees; and

WHEREAS, he responded to the needs of the Quad Cities area by expanding WIU's educational offerings through the new Quad City Center; and

WHEREAS, Dr. Spencer is truly committed to serving the students and constituencies of Western Illinois University; and

WHEREAS, he has exhibited his unique, engaging, and delightful leadership approach which has created a sense of community, family and tradition at Western Illinois University; and

WHEREAS, Dr. Spencer has contributed greatly to the excellence of Western Illinois University and leaves the University in a much better place than he found it; and

WHEREAS, he has always been, and will continue to be, a history professor

who has shared his knowledge with audiences so that they walk away with greater knowledge; and

WHEREAS, Dr. Donald and Dr. Sue Spencer have been integral members of the Macomb community; and

WHEREAS, Dr. Donald and Dr. Sue Spencer will be sorely missed by the Macomb community and the faculty, staff, students and alumni of Western Illinois University;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 15, 2001, as **DR. DONALD SPENCER DAY** in Illinois.

Issued by the Governor October 29, 2001.

Filed by the Secretary of State November 1, 2001.

2001-591

NATIONAL FRATERNAL CONGRESS OF AMERICA'S 115TH ANNIVERSARY

WHEREAS, National Fraternal Congress of America (NFCA), the Association of America's Fraternal Benefit Societies, was organized on November 16, 1886; and

WHEREAS, National Fraternal Congress of America has united the nation's fraternal benefit societies-unique membership organizations offering individuals not only social and leadership opportunities, but also the dimension of financial security; and

WHEREAS, National Fraternal Congress of America is a bright thread in the fabric of our country, promoting patriotism, boosting community pride and celebrating family values; and

WHEREAS, National Fraternal Congress of America is a leader in community service, having developed Join Hands Day-the only national day of youth and adult volunteering on the national calendar-and assisting its members in achieving a record 80 million hours of community service in 2000 alone; and

WHEREAS, National Fraternal Congress of America continues to engage representatives of more than 80 diverse fraternal benefit societies in charting a secure future for the more than 10 million people who belong to these organizations;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2001, in recognition of **NATIONAL FRATERNAL CONGRESS OF AMERICA'S 115th ANNIVERSARY** in Illinois.

Issued by the Governor October 29, 2001.

Filed by the Secretary of State November 1, 2001.

2001-592

PARALYZED VETERANS OF AMERICA RECOGNITION DAY

WHEREAS, America would not be the great, free nation it is today if not for the citizens who came to its defense in times of conflict; and

WHEREAS, no one who serves his or her country ever forgets the experience, but some made sacrifices that forever altered their lives; and

WHEREAS, special events are observed to recognize the men and women who have served in the Armed Forces and have experienced paralysis; and

WHEREAS, in Illinois, the Vaughan Chapter of Paralyzed Veterans of America is holding a celebration at Hines Medical Center in conjunction with the national Veterans Day observance; and

WHEREAS, it is important to remember those who have served our country and suffered irreparable harm and recognize them at this time;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 16, 2001, as PARALYZED VETERANS OF AMERICA RECOGNITION DAY in Illinois.

Issued by the Governor October 29, 2001.
Filed by the Secretary of State November 1, 2001.

2001-593

RAMONA BASS DAY

WHEREAS, Ramona Bass began her career in state government as a Dunn Fellow in Governor Jim Thompson's office; and

WHEREAS, Ms. Bass worked on House Republican staff from 1988 to 1995, working for both the Chief of Staff and Republican Leader Lee Daniels; and

WHEREAS, Ms. Bass worked under Governor Jim Edgar as a Legislative Liaison; monitoring, lobbying and reviewing key pieces of legislation for the Governor; and

WHEREAS, Ms. Bass performed the duties of Executive Assistant to the Chief of Staff of the Illinois Department of Human Services (DHS), helping oversee the functions of the Division of Administrative Services; and

WHEREAS, Ms. Bass works for the Illinois Guardianship and Advocacy Commission, serving disabled persons in need of assistance; and

WHEREAS, Ms. Bass has been dedicated employee of the State for 17 years;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 13, 2001, as RAMONA BASS DAY in Illinois.

Issued by the Governor October 29, 2001.
Filed by the Secretary of State November 1, 2001.

2001-594

BISHOP (ELECT) W.L. JORDAN DAY

WHEREAS, Bishop (elect) W.L. Jordan was born on June 8 in Summit, Mississippi; and

WHEREAS, he is married to Belle Shannon Jordan and has six children, eight grandchildren and one great-grandchild; and

WHEREAS, Bishop (elect) W.L. Jordan received a degree in education at the Lutheran School of Theology; and

WHEREAS, in 1976, he accepted his calling to preach the gospel at St. Mark Missionary Baptist Church in Harvey, Illinois, where he started with 47 members and now has 8,000; and

WHEREAS, he established the Willie L. Jordan Community Service Center and the St. Mark Professional Medical Center in Harvey, Illinois; and

WHEREAS, Bishop (elect) W.L. Jordan sits on the Board of Directors for Cook County Board of Ethics, serves Director of the African American National Fellowship for Southern Baptist Convention, and is a member of the Chicago Metropolitan Baptist Association and Illinois Baptist State Convention; and

WHEREAS, Bishop (elect) W.L. Jordan is an Honorary Professor of St. Mark/Howard University Distant Learning Center, in Harvey, Illinois, and has acquired a place in "Who's Who Among Leaders"; and

WHEREAS, he has preached the gospel throughout the world and was recognized among clergymen as he was asked to serve in the Office of Presiding Bishop for numerous churches in the U.S. and Africa;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim

November 17, 2001, as BISHOP (ELECT) W.L. JORDAN DAY in Illinois.
Issued by the Governor October 31, 2001.
Filed by the Secretary of State November 1, 2001.

2001-595

CARL SUTER DAY

WHEREAS, Carl Suter has dedicated his career to improving the quality of life of persons with disabilities; and

WHEREAS, Carl Suter has shared his passion, vision, and knowledge as an invaluable member of the Illinois Office of Rehabilitation Services leadership team for 13 years; and

WHEREAS, Carl Suter has served as Director of the Illinois Office of Rehabilitation Services for four years; and

WHEREAS, Carl Suter has been the driving force behind the successful organizational transformation of the Illinois Department of Human Services' Office of Rehabilitation Services into a 21st Century World Class Organization; and

WHEREAS, the Illinois Department of Human Services' Office of Rehabilitation Services helped a record 6,757 people with disabilities enter competitive employment during fiscal year 2001; and

WHEREAS, Carl Suter's leadership has resulted in Illinois' Vocational Rehabilitation program leading the nation in the number of competitive outcomes this past year; and

WHEREAS, Carl Suter will broaden his efforts to spearhead improvements in programs and services for people with disabilities in his new position as Chief Executive Officer and Executive Director of the Council of State Administrators of Vocational Rehabilitation (CSAVR); and

WHEREAS, Carl Suter is a die-hard Illini fan and will continue to arrange his professional calendar to attend as many Illini games as possible; and

WHEREAS, Carl Suter has captured the respect and admiration of the rehabilitation community across the nation; and

WHEREAS, Carl Suter will be sincerely missed by his staff, co-workers, his peers and professional associates, and members of the disability community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 9, 2001, as CARL SUTER DAY in Illinois.

Issued by the Governor October 31, 2001.
Filed by the Secretary of State November 1, 2001.

2001-596

FUTURES AND OPTIONS DAYS

WHEREAS, the City of Chicago is a world leader in futures and options trading; and

WHEREAS, Chicago has been a center of futures and options trading almost since the city's founding; and

WHEREAS, Chicago was the birthplace of financial futures and options, which have helped transform the global economy; and

WHEREAS, today, Chicago's futures and options exchanges are powerful forces of economic development, generating trillions of dollars in capital to Illinois and providing thousands of jobs; and

WHEREAS, Chicago's futures and options exchanges contribute tremendously to

Illinois' reputation as a global financial center; and

WHEREAS, The Futures Industry Association, a professional group representing the futures and options industry for the 17th consecutive year, will hold its "Futures and Options Expo 2001" in Chicago, Illinois, during the week of November 26, 2001; and

WHEREAS, the Futures and Options Expo is the largest futures industry event in the world, with more than 4,000 trade participants from around the world in attendance;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 26-30, 2001, as FUTURES AND OPTIONS DAYS in Illinois.

Issued by the Governor October 31, 2001.

Filed by the Secretary of State November 1, 2001.

2001-597

SCOTT GARDNER DAY AND NATIONAL APARTMENT ASSOCIATION DAY

WHEREAS, the apartment industry is one of the largest industries in the United States, with over 30 million apartment homes generating billions of dollars nationally; and

WHEREAS, nearly one-third of the population depends on rental housing, some by choice and some by economic necessity; and

WHEREAS, the National Apartment Association (NAA) is the largest organization dedicated solely to multifamily housing, representing the interests of approximately 28,000 rental housing professionals holding responsibility for more than 4.3 million apartment homes nationwide; and

WHEREAS, since 1939, the NAA and its 155 state and local affiliates have played an important role in ensuring that there is always an available supply of affordable housing; and

WHEREAS, the NAA is holding its annual Assembly of Delegates in Chicago on November 8-10, 2002, at which time Scott T. Gardner will be installed as the 2002 NAA President; and

WHEREAS, Scott has been in the multifamily housing industry for over two decades, and is currently president of the property firm he founded in 1979, Crosshaven Properties, Inc., which manages properties providing housing for low-income families, conventional apartments and homeowners associations; and

WHEREAS, through his experience and dedication to the multifamily housing industry, Scott is eminently qualified to lead the NAA in its continuing efforts to promote industry professionalism and provide quality, affordable housing for the citizens of Illinois and the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim November 10, 2001, as SCOTT GARDNER DAY and NATIONAL APARTMENT ASSOCIATION DAY in Illinois.

Issued by the Governor October 31, 2001.

Filed by the Secretary of State November 1, 2001.

2001-598

WENDY'S HIGH SCHOOL HEISMAN PROGRAM AWARD FINALISTS

WHEREAS, student athletes who find the balance between academics and athletics use these fundamental skills to become leaders in business, community, education and government; and

WHEREAS, student participation in athletic activities fosters teamwork,

self-discipline and perseverance, values that guide their development as productive and caring members of their communities; and

WHEREAS, the Wendy's High School Heisman Program was created to recognize high school seniors who exhibit excellence in academics, athletics and community service; and

WHEREAS, Wendy's High School Heisman Program contributes to the continued success of the young people of this state by acknowledging the dedication, determination and desire to succeed of our citizen-student athletes; and

WHEREAS, twenty Illinois high school seniors have been named Award Finalists in the state competition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, recognize the efforts of these twenty finalists, and commend their commitment to scholarship, citizenship and athletics.

Issued by the Governor October 31, 2001.

Filed by the Secretary of State November 1, 2001.

2001-599

DISASTER AREA-STATE OF ILLINOIS

As a result of the September 11, 2001, terrorist attacks on the United States and the intermittent warnings coming out of Washington, D.C., regarding the potential for further attacks, I hereby declare that the threat of a disaster exists within the State of Illinois pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

I am making this declaration so that the State may take protective measures, including increased security at key sites throughout the State to minimize the threat to public safety, health, welfare and the public confidence by utilizing the Illinois National Guard or any other State asset or resource deemed necessary.

This declaration of the threat of a disaster will aid the Illinois Emergency Management Agency in coordinating State resources and assets to take necessary protective actions.

Issued by the Governor November 2, 2001.

Filed by the Secretary of State November 2, 2001.

